DOCUMENT RESUME

ED 349 258 SO 022 669

AUTHOR	Goldstein, Ricki; Sarna, Shirley
TITLE	Let's Talk about Human Rights. Students' Books 1-3. Teacher's Guides, Books 1-2.
INSTITUTION	Canadian Human Rights Foundation, Montreal (Quebec).
REPORT NO	ISBN-2-9801784-1-1
PUB DATE	91
NOTE	178p.
AVAILABLE FROM	Canada Human Rights Foundation, 3465 Cotes-des-Neiges Road #301, Montreal, Quebec H3H, 1T7.
PUB TYPE	Guides - Classroom Use - Instructional Materials (For Learner) (051) -- Guides - Classroom Use - Teaching Guides (For Teacher) (052)
EDRS PRICE	MF01/PC08 Plus Postage.
DESCRIPTORS	Adult Basic Education; Adult Education; Adult Literacy; *Citizenship Education; *Citizenship Responsibility; *Civil Liberties; Foreign Countries; Human Dignity; International Law; Law Related Education; Social Values; Student Educational Objectives; Teaching Methods; *Values Education
IDENTIFIERS	*Canada

ABSTRACT

These documents are designed to introduce students to some of the fundamental concepts, principles, and values of human rights and to a basic knowledge of human rights legal instruments as they apply to daily lives. Student handbook 1 is a series of lessons and activities that stimulate reading and discussion around the following ideas: What is a human being? What is a human right? Rights and Responsibilities; A Canadian human rights story: Nellie McClung; The Diary of Anne Frank; and The Universal Declaration of Human Rights: Background and Application. Student handbook 2 features five case studies, each of which presents a situation where an individual's rights have been denied or infringed upon. The case studies raise the issues of discrimination based upon a disability, age, HIV status, religion, and race. Student handbook 3 invites students to write some of their own thoughts and ideas concerning how some of the human rights principles raised by the curriculum may apply to their own lives. Generous space for student writing is provided on each page following a prompting suggestion such as "We need to know what our rights are because..."; "The Universal Declaration of Human Rights says that..."; and "Here is a story about discrimination...." The teachers' guides accompany the student handbooks and contain helpful materials such as discussion topics, vocabulary words, and teacher's documentation. No teacher's guide exists for student handbook 3. These materials are designed to be used in adult literacy classes in Canada with adults who are reading at an intermediate level. However, as the materials generally are not focused on Canada, they can be used in other countries and are presented in a manner that should be accessible to students of middle school level or higher. (DB)

Let's Talk about Human Rights

STUDENT'S
BOOK 1

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Let's Talk about Human Rights

STUDENT'S
BOOK 1

Canadian Human Rights Foundation

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Legal deposit - 1st quarter 1991

ISBN 2-9801784-1-1 (complete)
ISBN 2-9801784-4-6 Student Book 1

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What is a Human Being?

I-7

What Is A Human Being?

Look at the pictures on page 6. Do you find things that are the same among the people in the pictures? Do you find things that are different? What are they?

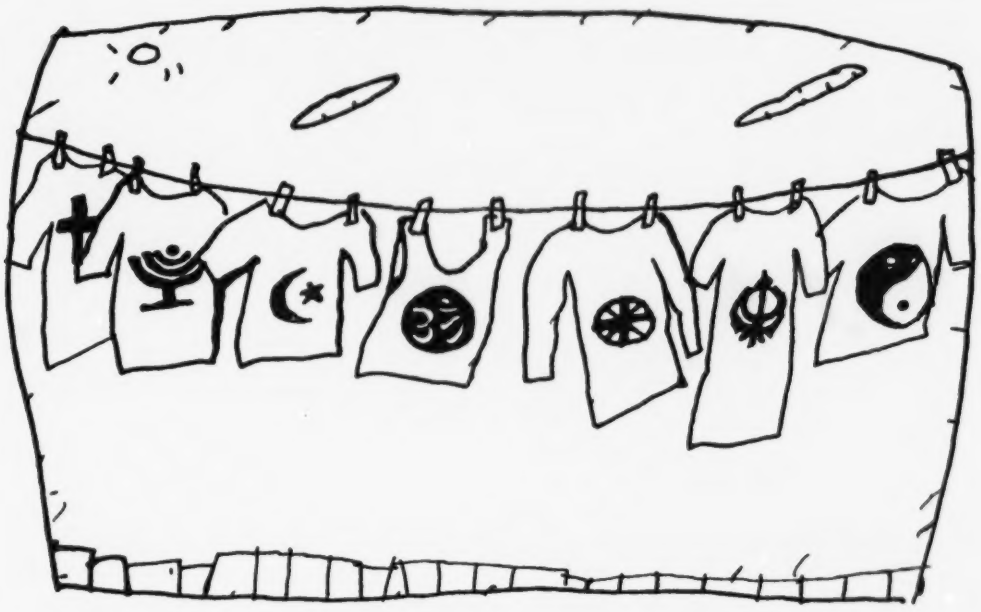
List the things that you find the same about a person's looks. Also list the things that make them look different. Write on the left side. It is called "Looks". We all have eyes, a nose, a mouth, and ears.

What do all people need to live? We call these basic needs. Are people's basic needs the same or different? Fill in the right side. It is called "Basic Needs".

	Looks	Basic Needs
Same		
Different		

Human Rights and Basic Needs

Look at the chart on page 7. Differences may appear under "Looks". But you will find no differences under "Basic Needs". Your chart shows that humans sometimes look different. But they all have the same basic needs. We are free to satisfy our basic needs any way that we want. Human rights protect our freedom.



Tolerance and Human Rights

There are many ways to satisfy our basic needs. Around the world people dress and speak differently. They practise different religions. Can you think of other examples? Accepting differences is called tolerance. Tolerance means respecting the right of human beings to satisfy their basic needs any way they wish.

Human rights protect the freedom of all human beings. People should be free to choose the way they live. They should be free to satisfy their basic needs. No one should suffer discrimination because of skin colour, religion or any other difference.

What is a Human Right?

press

opinion

expression

religion

speech

belief

I-11

Defining Human Rights

> *"HUMAN RIGHTS are based on the increasing demand of the world's population for a decent, civilized life in which the inherent dignity of each human being will receive respect and protection. We do not speak merely of our physical needs when we talk about human rights. We mean those conditions of life which allow us fully to develop and use our human qualities of intelligence and conscience and to satisfy our spiritual needs..."*

United Nations. (1980). *Questions and Answers on Human Rights*. p. 2

Human rights protect these basic rights:

- freedom of religion
- freedom of expression and opinion
- freedom of peaceful assembly and association.

These are examples of human rights. They are also called classical rights, or civil and political rights. Human rights are protected and 'enshrined' in the UNIVERSAL DECLARATION OF HUMAN RIGHTS. They are also protected and 'enshrined' in the CANADIAN CHARTER OF RIGHTS AND FREEDOMS.

Human rights are protected by law. They can be protected by laws, codes or charters. Provinces, territories, the federal government or international bodies have these laws. The laws, codes or charters permit us to exercise our rights.

Some examples of human rights protected by law in Canada are:

- freedom of religion
- freedom of expression
- freedom of the press
- the right to belong to a union
- freedom not to practise any religion.

Do you know of any others? Write them here.

_____

_____

_____

_____

Identifying Human Rights

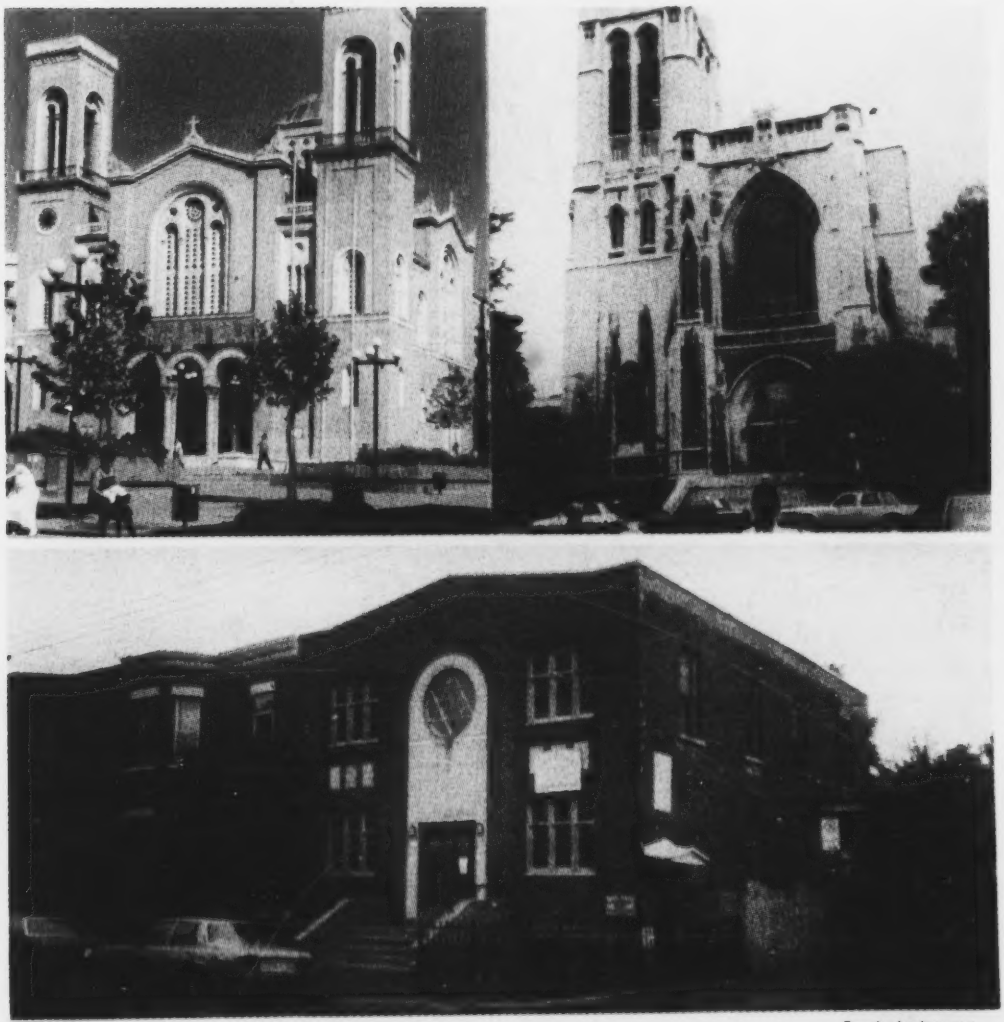
We often use the term "rights" loosely. We may say things like "I have a right to own a car." Or we say "I have the right to buy a new outfit."

You may buy a car if you have the money. You may buy a new outfit if you have the money. But these aren't human rights. They aren't protected by law and they cannot be enforced in a court of law.

Look at the pictures on the next pages. Which ones illustrate human rights protected by law?

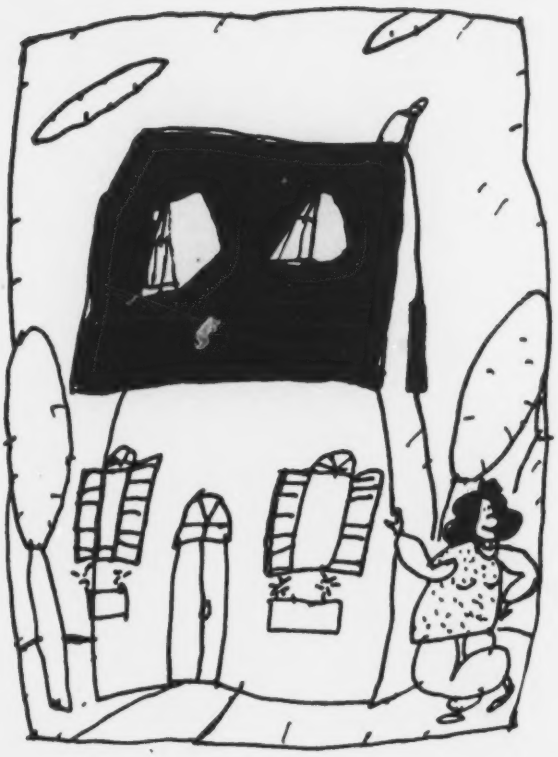
What Is A Human Right?

Which of the following are human rights?



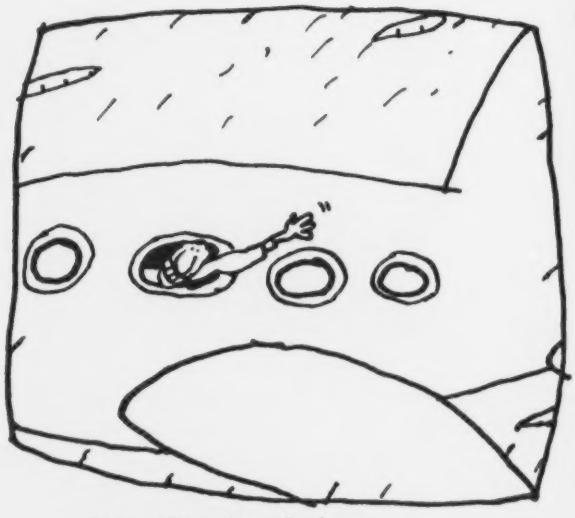
Practising my religion

Sandra Ladouceur
Denis Forcier



Owning a home

Being a member of a club



Travelling by airplane

Of the pictures you have looked at, some do not illustrate a human right:

- owning a home
- travelling by airplane

Some of the examples are not as clear-cut:

- membership in a club.

Freedom of association is included in Article 20 of the UNIVERSAL DECLARATION OF HUMAN RIGHTS. It is also in Section 2 of the CANADIAN CHARTER OF RIGHTS AND FREEDOMS. You have the right to belong to an association. But you do not have the right to demand to belong to a certain association. Can you think of some examples?

The right to have a roof over one's head is recognized internationally. But it is not protected in Canadian law .

You have the right to practise your religion freely. You also have the right not to practise religion. These are rights because religious freedom is a basic need. No one can stop you from making a choice.

This right is included in the UNIVERSAL DECLARATION OF HUMAN RIGHTS.

ARTICLE 18
Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

ARTICLE 19
Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

ARTICLE 20
1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

What other rights are included in this part of the Declaration?

FUNDAMENTAL FREEDOMS:
Everyone has the following fundamental freedoms: a) freedom of conscience and religion; b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; c) freedom of peaceful assembly; and d) freedom of association.

(Canadian Charter of Rights and Freedoms, Section 2)

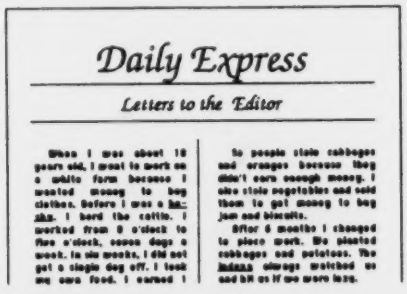
Compare the articles on page 16 with the section on this page. The articles on page 22 are from the UNIVERSAL DECLARATION OF HUMAN RIGHTS. The section on this page is from the CANADIAN CHARTER OF RIGHTS AND FREEDOMS. How are they the same? How are they different?

Each Canadian province and territory also protects human rights. They do so with laws, codes or charters. What is there in your province or territory that protects human rights?

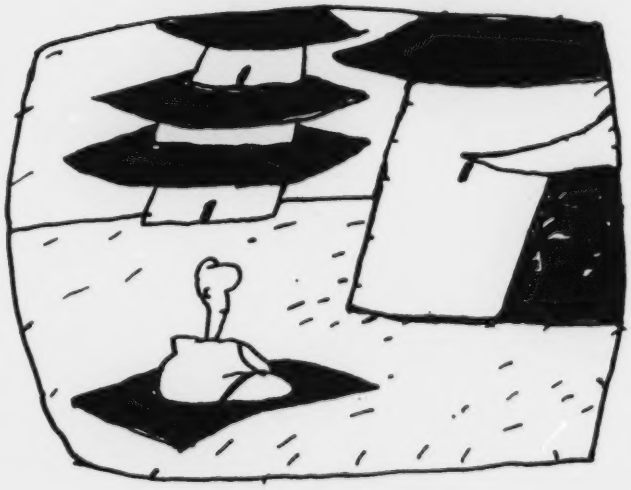
■ **HERE ARE MANY THINGS THAT A PERSON CAN DO.**
Look at the pictures. Which can be called rights?

Expressing oneself in public

Belonging to the Red Cross



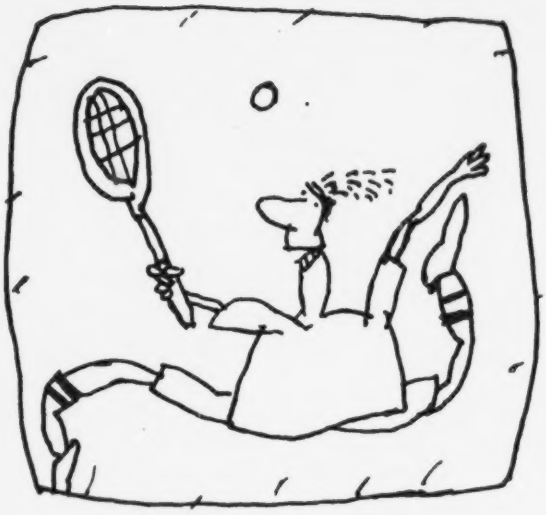
Writing to the newspaper



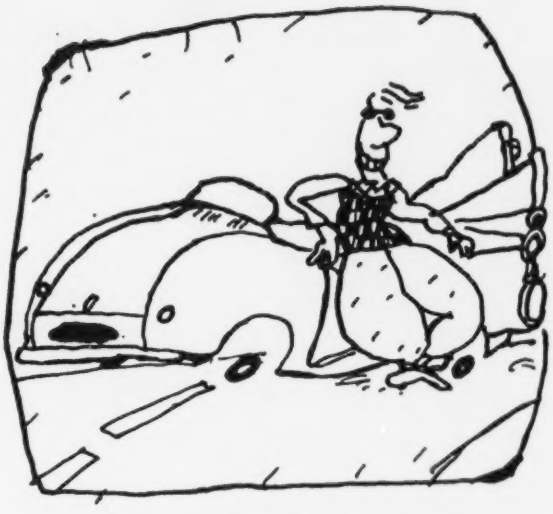
Attending a Temple

Having clothes

I-20



Practising an Olympic sport



Owning a car

Belonging to a union

Practising no religion

Having a roof over one's head

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Rights and Responsibilities

Who me?

What can I do?

I-23

What Is A Responsibility?

Let's talk about the word 'responsibility'. What does it mean? What does it mean in your house? What are your responsibilities at home? What are the responsibilities of the people in your family?

What are your responsibilities at work?

What other responsibilities do you have? Do you have any responsibilities to friends or family?

List as many responsibilities as you can think of. Write on the lines below.

_____

_____

_____

_____

_____

_____

Rights And Responsibilities

Everyone in Canada is entitled to human rights. That's because we are <u>all</u> human beings. But we also have responsibilities. We must, as a duty to others respect their rights and freedoms.

Which Rights And Responsibilities Are Involved In Each Case?

Case Study 1:

Ontario Human Rights Commission
O'Malley vs. Simpson-Sears Ltd., 1985

Ms O'Malley worked at Simpson-Sears in Ontario. The company asked her to work on Saturdays. She told them she did not want to. She explained that she couldn't because of her religious beliefs. Ms O'Malley was a Seventh Day Adventist. Their Sabbath is on Saturday. Therefore she couldn't work on Saturdays.

Ms O'Malley was fired. She complained to the Ontario Human Rights Commission. She claimed to be a victim of discrimination. Ontario has a Human Rights Code. It protects people from religious discrimination.

Simpson-Sears claimed it did not discriminate against Ms O'Malley . All workers were asked to work Saturdays.

The Supreme Court decided in favour of Ms O'Malley. She won her case. The court said Simpson-Sears shouldn't have fired her. They did not have reason to. People like Ms O'Malley should work at other times. The court ordered that she be returned to her job.

* * * *

Source: *Canadian Human Rights Advocate*. Vol.1, No.3, 1985 and Vol.2, No.1, 1986.

A Play

O'Malley vs. Simpson Sears Ltd.

Scene One: At Work

Ms Thompson: Ms O'Malley, we would like to have you work the next few Saturdays.

Ms O'Malley: But I can't Ms Thompson.

Ms Thompson: Why not?

Ms O'Malley: Well, I just can't.

Ms Thompson: Then how about next month?

Ms O'Malley: Well madam, I can't then either.

Ms Thompson: You know Ms O'Malley, everyone must work some Saturdays.

Ms O'Malley: But I can't Ms Thompson. It's against my religion to work on Saturdays.

Ms Thompson: Nonsense, Ms O'Malley, you're not Jewish.

Ms O'Malley: No, I'm not Jewish, but I'm a Seventh Day Adventist. Saturday is our sabbath too.

Ms Thompson: Nonsense again! Whatever your religion, or religious beliefs, everyone here works some Saturdays. So will you. Is that understood?

Ms O'Malley: I'll think about it and let you know.

Scene Two: Over the Phone

Ms Thompson: Hello? Yes, hello Ms O'Malley. How are you?

Ms O'Malley: Well, I'm fine Ms Thompson. But I have some bad news. I really can't work on Saturdays.

Ms Thompson: Never?

Ms O'Malley: No, I'm sorry madam, never. It's against my religion. Your sabbath is Sunday. You don't work on Sunday. Mine is on Saturday. So I can't work on Saturday.

Ms Thompson: Well,Ms O'Malley, consider yourself fired. Unless you change your mind and work on Saturdays, you're fired.

Ms O'Malley: But I can't.

Ms Thompson: Well that does it. You're fired!

Case Study 2:

Bhinder vs. Canadian National Railway, 1985

Mr. Bhinder worked at the Canadian National Railway Co. in British Columbia. He was asked to wear a hard hat at work. It was for safety reasons. He refused. He was a Sikh who wore a turban. He did not want to weara hard hat. Mr. Bhinder was fired.

He claimed the company had discriminated against him. His religion required him to wear a turban. So he claimed religious discrimination. He felt he was right according to the Canadian Human Rights Act. The railway claimed it had not discriminated. It said all workers had to wear helmets for safety reasons.

The Supreme Court decided in favour of the railway. In fact, this case was decided on the same day as Case Study 1. The same judges decided in each case.

They felt that Canadian National was right. Hard hats, the court said, were needed for safety. Safety came before Bhinder's religious rights. Canadian National was not ordered to rehire Bhinder. Nor did it have to change its policy on safety hats.

* * * *

Source: *Canadian Human Rights Advocate*. Vol.1, No.3, 1985 and Vol.2, No.1, 1986.

Let's Compare Cases

Mr. Bhinder's case was different from Ms O'Malley's case. Ms O'Malley claimed she could not work on _____. Saturday was her _____. She had the right to practise her _____ beliefs. It did not harm _____. It did not _____ anyone else. The company could find other people to _____ on Saturdays. Ms O'Malley could work any other _____.

Mr. Bhinder's case was _____. He did not want to _____ a hard hat. He was a _____. Many Sikhs wear _____. They did not take off their _____ to wear _____ _____.

But, insisted Canadian _____ Railway, helmets were needed for safety. They were right. The helmet was more _____ than the _____. Safety came first.

• • • •

Case Study 3:

Canadian Human Rights Commission vs. Canadian National Railway, 1987

In 1977, some women complained to a women's group in Quebec. They complained about discrimination. Canadian National Railway (CNR), they said, had refused to hire them for non-traditional jobs. (Non-traditional jobs are done mostly by men. They involve machines or hard work.) In 1979 the complaint went to the Human Rights Commission. The Commission decided in favour of the women. They ordered CNR to hire a certain percent of women for new jobs. And they told CNR not to discriminate against women.

The case then went to the Federal Court of Appeal. It did not agree. It ruled against the women.

The Commission appealed that ruling. It went to the Supreme Court. That court supported the Commission. It too said CNR had discriminated against the women. The Commission ordered that CNR:

a) stop deterring women from applying for jobs

b) stop sex discrimination in hiring

c) set up an equal-opportunity program: CNR would have to make sure that 25% of all <u>new</u> workers were women. Overall they had to have 13% women workers. This would meet the national average of women in non-traditional jobs.

Women didn't have to be able to lift heavy weights, said the Commission. And, they didn't need to be mechanical. These skills were not needed to be hired. They had only served to weed out women applying for jobs. Strength was not demanded of male workers. Machines did the jobs. Or many men worked together to do heavy work. Mechanical skills were taught to the men. Therefore they could teach women too.

* * * *

Source: *Canadian Human Rights Advocate*. Vol. 1, No. 3, 1985 and Vol. 2, No.1, 1986.

Case Study 4:
Age Discrimination Against CBC Host Upheld

Louise Arcand was a 40 year-old T.V. star. She had worked for the C.B.C. for 16 years. Arcand often appeared on a C.B.C. program, telling the news. One day she was replaced by a 28 year-old.

Arcand claimed age discrimination. She said that she was fired to make way for someone younger. A seasoned on-air host, Arcand felt wronged.

Jean Gobeil, her boss, admitted wanting a younger image. But he said he was talking about changes in the studio.

In 1985 the Quebec Superior Court ruled for Arcand. It agreed that C.B.C. had discriminated. But it did not have the power to order C.B.C. to rehire her.

• • • •

Source: *Canadian Human Rights Advocate.* Vol. 1, No. 3, 1985 and Vol.2, No.1, 1986.

Case Study 5:

Shears vs. Corbrook Sheltered Workshop

Willis Shears worked at Corbrook Sheltered Workshop. He suffered from epilepsy. Epilesy is a disease. Seizures (fits) are the symptoms of epilepsy. The company refused to let him work without a helmet. Shears, it said, needed it for his protection.

Shears filed a complaint under the Ontario Human Rights Code. He won his case. The workshop was ordered to make changes to protect Shears. It had to meet the needs of its worker. It agreed to let Shears work without a helmet. But it also agreed to pad the floor around at least two work stations. Three thousand dollars in lost salary was paid to Shears.

* * * *

Source: *Canadian Human Rights Advocate.* Vol. 1, No. 3, 1985 and Vol. 2, No. 1, 1986.

YOU BE THE JUDGE

Reread the case studies one by one. You be the judge. What would you rule? Give your reasons.

CASE STUDY 1:

What is your ruling?_____

Why?_____

_____

_____

_____

_____

CASE STUDY 2:

What is your ruling?_____

Why?_____

_____

_____

_____

_____

CASE STUDY 3:

What is your ruling?_____

Why?_____

_____

_____

_____

_____

CASE STUDY 4:

What is your ruling?_____

Why?_____

_____

_____

_____

_____

CASE STUDY 5:

What is your ruling?_____

Why?_____

_____

_____

_____

_____

Which rights and responsibilities are involved in each?

Rights	Responsibilities
1. Freedom of religion	
2. Freedom of expression	
3. Freedom of opinion	
4. Right to association	
5. Right to equality	

Public Archives

A Canadian Human Rights Story: Nellie McClung

Nellie McClung was born in Ontario in 1874. But she was raised in a small town in Manitoba. Nellie became a teacher at 16. Later she married and had five children.

Nellie was interested in the rights of women. At that time women couldn't vote. Nellie could not accept that fact. She was ahead of her time.

In those days women stayed at home. They couldn't choose what they wanted to do. And they couldn't change their lives. If they did, they were made fun of. Some women were scorned.

"Wifehood, motherhood and politics don't mix." This was a common belief in those days.

Nellie could not agree with this. So, she worked to change things. Tireless and determined, she travelled across Canada. Nellie tried to gain support for the right of women to vote.

Nellie was a member of the Political Equality League of Manitoba. It met with the premier of Manitoba. Nellie was firm. She said they weren't asking for a reform, gift or favour. Nor were they asking for mercy. They simply wanted justice. They wanted their right. Women wanted to have the right to vote.

Nellie spoke about other injustices suffered by women. She compared the stealing of a cow to the kidnapping of a girl. Stealing a cow resulted in a 14-year prison sentence. Kidnapping a young girl resulted in a five year sentence. Where was the justice?

Nellie also told a sad story: A drunken man turned his family out into a storm. His infant died. Later, his wife's life was shown to have been a life of fear and abuse. Pure hell! Was justice served? No! The man was given a sentence of six months. Later it was changed to <u>two.</u>

In 1916 Manitoba women became the first Canadian women to vote. They had won their right. It had taken planning and hard work. Forty thousand people had signed a petition. People from all over the vast province had signed the petition. They demanded voting rights for women.

Nellie McClung had worked to make life better for all people. In doing so she followed her own advice:

"Never retract, explain or apologize. Get the job done. And let them howl!"

As a result of her work, the cause spread. It spread from province to province. By 1918 all Canadian women over 21 could vote in Canadian elections. Nellie had succeeded.

Nellie McClung also became a writer. In all, she published 16 books. She wrote about her life, her work and the women's movement. She is one of Canada's best-known figures who worked for the cause of equality.

- Which rights were Nellie McClung and the women of her day trying to achieve?

- In achieving these rights, what were her responsibilities?
- What responsibilities did she have toward the people she was opposed to?
- What responsibilities did she have toward the people she hoped to defend?

The Universal Declaration of Human Rights: A Little History

In 1948, the United Nations (U.N.) adopted the Universal Declaration of Human Rights. Forty-eight member states voted.

The Declaration pursues the goals of justice and freedom. It proclaims itself to be a common standard. If achieved, the goals would bring peace and freedom to all.

Before 1948 many dreadful things had happened. Two world wars had taken place, killing many people. During World War 11 (WW 11) 6,000,000 Jews were killed. We call this the Holocaust. In 1945 the Americans bombed Japan. They used atomic bombs. Two cities were hit. Hiroshima and Nagasaki were totally destroyed. The world was in trouble. It needed to pursue justice and peace again. The U.N. members welcomed the Universal Declaration of Human Rights.

The Japanese cities of Hiroshima and Nagasaki were totally destroyed by atomic bombs in 1945. (Pix Photo)

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Human Rights Affect our Daily Lives

Without human rights, we cannot live as human beings. These rights allow us to develop fully. They allow us to fulfill our basic needs. They are based on honour, respect, protection and most of all, freedom. Human rights affect our daily lives. They are to be enjoyed by all. No one is to be excluded. No one is to be discriminated against because of their race, sex, language, religion, opinion, national or social origin, birth or other status.

* * * *

What might happen if human rights were not respected? Read the next part to find out.

In 1933 Hitler and the Nazis rose to power in Germany. They passed laws which discriminated against Jews. Hitler planned to conquer Europe. His armies invaded Poland, Holland, and other countries. This was the start of WW II.

At least 35,000,000 people died in WW II. Perhaps as many as 60,000,000 died. No one knows for sure.

Chart of Losses of Human Life by Country in World War II

Country	Number of lives lost
Soviet Union	18,000,000
Poland	5,800,000
(3,200,000 were Jews)	
Germany	4,200,000
Japan	2,000,000
China	1,300,000
France	563,000
British Empire	466,000
Italy	395,000
United States	298,000
Canada	42,042

About 6,000,000 Jews were killed from 1933 - 1945.

Sources:

Petit Robert 2 — Dictionnaire universel des noms propres. (1987). Paris.
The Canadian Encyclopedia. (1988). Hurtig Publishers: Edmonton, Volume IV.

Jewish women and children were deported at gunpoint. They were taken to the concentration camps. (YIVO)

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During World War II, 6,000,000 Jews were killed. Russians, gypsies and others were also killed. Many were forced into slave labour in work camps. Others were sent to concentration camps. There they were gassed to death or shot. Many, like Anne Frank, a young Jewish girl from Holland, hid from the Nazis. Anne and her family hid in an annex. There she recorded her thoughts and feelings. She wrote about her hiding place. And she talked about the war. She wrote in her diary, which she called "Kitty".

Anne Frank
The Diary of a Young Girl

Dear Kitty

Saturday, 20 June, 1942.

...After May 1940 good times fled. First came the war. Then we surrendered. Then came the Germans and the beginning of the suffering for the Jews. Many anti-Jewish decrees followed. Jews must wear a yellow star [1]. Jews must hand in their bikes. Jews are banned from the trains. Jews must not drive. Jews are permitted to do their shopping only between three and five o'clock, and only in 'Jewish shops'. [These were shops marked with signs saying 'Jewish shop'.] ... Jews cannot go to movies, plays etc. Jews may not take part in public sports... Jews may not visit Christians...

Yours, *Anne*

[1] Jews were forced to wear large, yellow, six-pointed stars. This distinguished them from the others.

Dear Kitty, Friday, October 9, 1942.

I've only got dismal news. Jewish friends are being taken away by the dozen, by the Gestapo.[1] They were not treated well. They were loaded into cattle trucks and sent to Westerbork, the big Jewish camp in Drente. Westerbork sounds awful...

Most people are branded as inmates. Their heads are shaved. It is impossible to escape. We assume that most are murdered... English radio speaks of their being gassed...

Yours, *Anne*

[1] The Gestapo were the German secret police.

Dear Kitty, Wednesday, 13 January, 1943.

...It is terrible outside. Day and night more Jews are being dragged off. Families are torn apart. The men, women and children are separated. Children coming home from school find their parents gone. Women return from shopping to find their homes shut and families gone...

Yours, *Anne*

Dear Kitty, Tuesday, 11 April, 1944.

None of us were ever in such danger as that night. Just think of it. The police were at our secret cupboard. And the light was on in front of it. Still we were not discovered.

We have been reminded that we are in hiding. We are Jews in chains. And we are chained to one spot. We have no rights, but we have a thousand duties. Sometime this awful war will be over...

Yours, *Anne*

What Happened to Anne Frank?

On August 4, 1944, the police raided the secret annex. Anne, her family and her friends could no longer hide. They were arrested. Then they were sent to concentration camps.

Miep Gies was a very brave Dutch woman. She had helped to hide the Franks. She did so even though she was at risk. Miep later found Anne's diary in a pile of old books. The diary became famous.

In March 1945 Anne died in the concentration camp at Bergen-Belsen. Two months later Holland was freed.

Anne's diary has been published worldwide. It has been translated into 75 languages. The diary serves as a vivid reminder of this cruel chapter in history.

The Universal Declaration of Human Rights: What Does it Say?

Examine the following articles:

2: *Everyone is entitled to all the rights and freedoms in the Declaration without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

3: *Everyone has the right to life, liberty and the security of the person.*

5: *No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*

7: *All are equal before the law and are entitled without discrimination to equal protection of the law.*

12: *No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour or reputation.*

18: *Everyone has the right to freedom of thought, conscience and religion.*

26: *Everyone has the right to education.*

* * * *

Did Anne Frank benefit from these rights?

Do you know of any injustices that go on in Canada or in other countries? Explain.

Suggested Reading:
Anne Frank: The Diary of a Young Girl. (1958) Simon & Schuster: New York.

Let's Talk about Human Rights

Teacher's Guide

Book 1

Canadian Human Rights Foundation

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Let's Talk about Human Rights

Teacher's Guide

Book 1

Canadian Human Rights Foundation

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Additional copies of this kit may be obtained by writing to:

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Legal deposit - 1st quarter 1991

ISBN 2-9801784-1-1 (complete)
ISBN 2-9801784-2-x Teacher's Guide 1

Acknowledgements

The authors wish to thank teacher Terry Lohse and the students of the **Protestant School Board of Greater Montreal's Adult Education Literacy Programme** who have collaborated in the pilot-testing of these materials. They also extend thanks to the **Canadian Human Rights Foundation** whose expertise and technical assistance have greatly contributed to the development of this publication.

This project was made possible with a grant from the National Literacy Secretariat, Canada.

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Introduction

This kit was designed to introduce and sensitize students in adult literacy classes to some of the basic concepts, principles and values of human rights and to a basic knowledge of human rights legal instruments as they apply to our daily lives. Students will gain an understanding of the following questions:

- What are human rights?

- Are these rights protected? How?

- What are the responsibilities involved?

- What is discrimination?

- Why is it important to be aware of one's rights?

This material is based on a number of assumptions:

- All Canadians should possess an understanding of their rights and responsibilities in society;

- Adult Education is an important arena in which human rights education can be introduced and integrated;

- Teachers have a particular role to play in raising students' awareness of their human rights and of the means of protecting these rights.

Description of the kit

'Let's Talk about Human Rights' is composed of three student handbooks and two teacher's guide. **Student's Book 1** comprises a series of lessons and activities which stimulate reading and discussion around the following:

- What is a human being?

- What is a human right?

- Rights and Responsibilities

- A Canadian Human Rights Story: Nellie McClung (an example of a person who worked toward the achievement of human rights)

– The Diary of Anne Frank (an example of a person whose rights had been denied)

– The Universal Declaration of Human Rights: Background and Application

The **Student's Book 2** is entitled **Is it Fair?** It presents a number of characters who have experienced various types of discrimination. These experiences are based on real cases. Students are asked to examine and discuss these cases.

I Know My Rights is the title of the **Student's Book 3.** Students are asked to contribute first-hand accounts of their experiences and observations regarding human rights. This section provides them with ten starter sentences from which to choose and stimulates them to write about their personal reflections, ideas and actions. Student input in the materials is an essentiel component of this kit and offers the class the opportunity to engage in enriching and empowering discussion.

How to use 'Let's Talk about Human Rights'

The material has been developed for adults who are reading at an intermediate level. It may be used as instructional material for those who read at a four level or may be read independently by those who read at a four plus level. The Gunning-Fog Index was used to assess the level — approximately a mid-four grade level.

The books should be read in order, since there is a definite progression of ideas.

Much discussion is encouraged. Students — especially adult learners — often bring experience to the page. Experience makes it easier to read the text, since reading depends on background knowledge and expectation. When students are not familiar with the material, discussion beforehand helps prepare them for the text, so that they have background information and expectations when they come to the text. Prediction comes into play here. A good example of this phenomenon is a student who has experienced discrimination based on race, sex, age, religion, etc. Because he or she knows the vocabulary and has background knowledge and expectations, the student will be able to read the text about that subject even if the words seem to be difficult.

Vocabulary

New vocabulary is introduced for two reasons. The words may be difficult to sound out; that is they may be multisyllable words, or unusual in their phonetic structure, or the terminology might be new to the student. Be sure to introduce the vocabulary words before reading the text. Introduce them naturally in your discussion. Write them down as you say them, and make sure the student knows what they mean. Putting the new words into meaningful sentences is often a good way to learn the terminology. You will find much of the vocabulary is reviewed throughout the materials.

When reading the text, (usually done silently, concentrating on reading for meaning) students may find some words difficult. Encourage them to bring all their knowledge to the page and take a good guess. If you notice that a certain word pattern is giving a student problems, prepare a phonics lesson for that word pattern. Teachers and tutors are encouraged to use whole language instruction as much as possible (see the following section, "Whole Language Materials and Activities") and suggestions of the students are encouraged to supplement the ideas in this kit with ideas of their own.

Whole Language Activities and Materials

Activities:

Writing:

- Write about first-hand experiences.
- Write to express ideas, feelings, opinions.
- Write letters.
- Write in a journal.
- Prepare questions and answers about specific topics.
- Write summaries of material read.

Projects for the more advanced student:

- Choose a topic of interest.
- Research and organize information, prepare an outline, write about topic.

Cloze exercises (good to teach students to rely on their prediction skills)

- In text, leave a word out every now and then (about every 5th word).
- Learner fills in the word when reading.

Possible Materials:

Easy Reading Materials:

- Easy readers: e.g. The Diary of Anne Frank
- Children's stories
- Easy-to-read newspaper articles
- Songs
- Poems
- Pamphlets

Real Materials

- Classified Ads
- Map
- Charts and graphs

What is a Human Being?

Summary:

This section introduces readers to the notion of differences and similarities in human beings. Despite our differences, our similarities are underlined by the fact that we all share the same basic needs. We need food, clothing, shelter, love and affection, education, freedom to express ourselves, and so on. Human rights protect our freedom to satisfy these needs any way we choose.

Vocabulary:

basic needs
tolerance
discrimination
rights vs. writes

Suggestion for discussion:

- What is a human being?
- What are our basic needs?
- Do all human beings have the same basic needs? What are they?

Ask students to look at pages 5 and 6 and discuss the pictures. Then have them read page 7 and fill in the squares.

Suggestion for discussion:

- What is tolerance?
- What is discrimination?
Give examples of each.

Vocabulary:

different, differences
human rights
satisfy
tolerance
discrimination

Have the students read and discuss page 8.

What is a Human Right?

Summary:

Examples of human rights are illustrated as they come into play in our daily lives. The Universal Declaration of Human Rights and the Canadian Charter of Rights and Freedoms protect these rights. The acticles regarding freedom of thought, conscience and religion, of opinion and expression, of peaceful assembly and of association are examined.

Students come to know what a right is and what a right is not.

The teacher should read the boxed quote (on page 13 of the Student's Book) to the class since it is difficult to read. The class should discuss it fully, giving appropriate examples to illustrate various sentences in the quote.

Vocabulary:

freedom
expression
opinion
peaceful assembly
association
enshrined
Universal Declaration of Human Rights
Canadian Charter of Rights and Freedoms
enforced

Suggestions for Discussion:

- freedom of religion
- freedom of expression and opinion
- freedom of assembly and association

Discuss human rights that are protected by laws or charters.

Discuss the sentence "We often use the term 'rights' very loosely." Make sure that its meaning is understood.

Vocabulary:

own
buy
union
loosely
enforced
illustrate

Ask the students to read page 12 to themselves. Then have one of them read it aloud. Continue on to page 13 and 14.

Review the Universal Declaration of Human Rights and the Canadian Charter of Rights and Freedoms. Make sure the students know the difference between the two and understand which one is an international document. Discuss the origins of the two documents as well as their different features.

Vocabulary:

association
section
internationally

Writing:

Have the students think of all the 'rights' they can and write them down. Then have them categorize the 'rights' in two columns, those that are protected by law and those that are not. Explain that those protected by law are truly rights while the others are not.

Ask one student to read page 15 aloud.

Suggestion for discussion:

- The right to have a roof over one's head is not protected by law in Canada.

Discuss the right to practise religion freely, or not practise any religion at all. Include the fact that this freedom does not exist in all countries, despite the fact that it is in the Universal Declaration of Human Rights.

Vocabulary:

religion
religious
article

Have your group read the first two paragraphs on page 16 silently. Then read Article 18 to them. Discuss its various aspects.

Read Articles 19 and 20 to them. Follow each with discussion and examples. Have the students answer in writing the question at the bottom of page 16.

Read aloud the section (on page 17) from the Canadian Charter of Rights and Freedoms to your group. Ask a student to read aloud the paragraph under the box. Discuss the similarities and differences between the section from the Canadian Charter of Rights and Freedoms and the articles of the Universal Declaration of Human Rights.

Tell the students about the laws, codes or charters in effect in the province or territory to protect human rights. Ask them to answer the question in the last paragraph after they have read it silently.

Gather some magazines to bring to class, or ask your group to do so prior to the lesson.

Suggestion for discussion:

Leaf through the pictures with students, or have them work in pairs. Ask them to decide which photos depict situations related to human rights.

Vocabulary:

expressing
Olympic
union

Have the students read pages 18 and 19 silently and decide which photos depict rights. Then have the class do the same exercise out loud, each person taking a turn to read. After discussing each picture, have the class vote on whether the picture illustrates a right or not. If it does not, have someone explain why.

Teacher's Documentation:

- Universal Declaration of Human Rights (complete and simplified version), United Nations

- The Canadian Charter of Rights and Freedoms: A guide for Canadians, (extract), Secretary of State Canada

UNIVERSAL DECLARATION of HUMAN RIGHTS

On DECEMBER 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights, the full text of which appears in the following pages. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

Final Authorized Text

UNITED NATIONS

OFFICE OF PUBLIC INFORMATION

UNIVERSAL DECLARATION OF HUMAN RIGHTS

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore,

THE GENERAL ASSEMBLY

proclaims

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his hon-

our and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right

includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

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(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

DPI/15—September 1983—100M
Reprinted in U N, NY—20126—August 1988—100M

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THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

(simplified and annotated version)

Amnesty International, International British Section, Education Project, Unit 1, 1983.

What is the Universal Declaration of Human Rights?

The Universal Declaration of Human Rights says that all people, whoever they are and wherever they live, should be able to live safely, in freedom and peace. It has three parts: Part One is the Preamble (or introduction) which gives seven reasons for making this statement to the world; Part Two is the Proclamation in which the General Assembly of the United Nations states firmly the sense and hope of the Declaration; Part Three lists the 30 Articles or statements which are the goals of the Declaration.

Why was it written?

People were shocked by the effect of two world wars and, in particular, by the murder of millions of Jews by Hitler's Nazis. There was an upsurge of reaction from the whole world; people wanted to make sure that nothing like it would happen again. So in 1948, after three years of discussion, representatives of 48 countries (member states of the General Assembly of the United Nations) agreed upon a "Universal Declaration of Human Rights" - not as a law, but as a statement to the whole world about how all peoples, organizations and governments should behave towards each other. It is the responsibility of every individual, and every government, to honour this Declaration in order to safeguard freedom and justice and, therefore, the future happiness and dignity of all people. You could say that this is one of the top priorities of our time.

Or to present it more simply ....

Preamble

1. Everyone must understand that each person in the whole human family has the same rights as every other person. Until we understand this, freedom, justice and peace cannot exist.
2. The human rights of many people have been violated. Wars and other acts have oppressed people throughout history and around the world. A world in which human beings can enjoy the right to say what they think, to choose their own beliefs, and to live without fear and without want must be our greatest aim.
3. Human rights must be protected by laws.
4. All nations need to be encouraged to be friendly towards each other.
5. By this Charter, the members of the United Nations state their belief in basic human rights, in the Importance and value of every single person and in the equal rights of men and women. They have also agreed to work for social progress and better liv-

ing standards.
6. Countries that belong to the United Nations have promised to co-operate with this international organisation in every respect so that the rights and freedoms of all people in the world should be protected and respected.
7. It is very important that all nations understand what these rights and freedoms are so that the promise can be carried out.

Proclamation (announcement)

The General Assembly of the United Nations proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations. Every person and every group in society is asked to work continuously to reach these goals by teaching respect for human rights and freedoms and by approving laws that will give more protection to these rights and freedoms.

Equality of all people
Article 1
When children are born, however different that are, they should have the same dignity and rights. They should always be treated fairly, so that they can learn how to behave towards each other with kindness and respect.

This doesn't mean that people are identical or even similar. It does mean that none of the many differences in people — their appearance, colour, abilities, health, strength, intelligence of anything else — should make any difference to their rights as human beings. Human rights should be the same for everyone. This can only be so if people respect each other and treat each other fairly as equal fellow human beings. This is our human responsibility.

Rights of all to fair and equal treatment
Article 2
You should have all the rights and freedoms listed in this Declaration, no matter where you are from, what colour you are, what sex you are, what language you speak, what religion you practise, what views you hold or how rich or poor you are. Nor does it matter what kind of country you live in.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which the person belongs, whether it be independant, trust, non-self-governing or under any other limitation of sovereignty.

This Article, together with Article 7, reminds us not to discriminate against people of different races, colours, religions or groups. The laws of the land should treat people exactly the same way, whatever race, sex or colour they are, and whatever religious, political or other opinions they have. Article 7 also reminds us that it must be illegal to incite others to use discrimination against anyone. Everyone is entitiled to protection

against discrimination.

The policy of 'apartheid' in South Africa — called 'a crime against humanity' — is a blatant example of racial discrimination enforced through the laws of the land.

Right to Life
Article 3
You have the right to life, and to live in freedom and safety.

The state (the government) must take responsibility for protecting the lives of individual people whoever they are, and also protect the lives of whole groups of people. It must prevent unlawful killing, assassinations and mass murder (genocide). Mass murder can be by deliberate killings, such as in Chile under Pinochet and in Uganda under Amin, or through allowing people to die by ill treatment, starvation and disease (as in Kampuchea) when something could be done to prevent those deaths. This, of course, does not apply in the face of great natural disasters like floods or earthquakes. International responsibility comes into play at those times.

In countries where capital punishment (the death penality) exists, the United Nations is trying to reduce the number of crimes to which it applies and finally, to abolish it. Amnesty International is leading a world campaign against the death penality.

Right to freedom from slavery
Article 4
No one has the right to make you a slave and you cannot make anyone your slave.

Although slavery is today illegal in all countries of the world, we know that it persists in some places. People are no longer sold openly in the market to the highest bidder; but in some countries children and young people are bought and sold: for adoption, for prostitution and for work. In the whole world there are 50 million children under 14 at work, and therefore receiving no education. Young children being forced to work in the tin mines of Bolivia is a good example of such exploitation. People can be slaves through becoming a defenceless labour force, so ill-paid that they and their families can barely live: too insecure to leave their jobs as that would make their plight worse: too fearful to rebel as that is met with violent repression and intimidation. The rural peasants in the Philippines provide such an example. Although there is a Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, the eradication of slavery is a more complex problem than ever before, and depends almost entirely on public opinion to achieve.

Right to freedom from torture
Article 5
No one has the right to torture you, or to treat you or punish you in a cruel way, and you cannot torture anyone. (Torture means to act in a way which hurts someone purposefully and severely in body or mind — when someone in authority or power wants to punish, to frighten or to force someone to confess.)

The United Nations defines torture as "any act by which severe pain or suffering, whether physical of mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons." Thousands of cases of torture by ruling forces all over the world have been proved in recent years: Steve Biko in South Africa and Sheila Cassidy in Chile are just two examples.

There is no exact agreement yet as to what is meant by cruel, inhuman or degrading punishment of prisoners. But it does include such things as floggings, force feeding, internment in dark cells, solitary confinement, interrogation under duress, drugging and restraint by shackles or other pain-causing devices.

Right to be regarded as a person
Article 6
Wherever you are the law must treat you as a person and not as a thing.

Right to equality before the law
Article 7
The law is the same for everyone, and it should be applied in the same way for everyone. Laws must never treat people differently just because of race, or colour or ways of life.

Right to legal protection
Article 8
You can ask for legal protection when the law of your country is not respected and your rights are ignored.

These three Articles together cover our legal rights. Article 6 means that all persons can make agreements or contracts which courts should enforce, and all persons must have access to the legal machinery which will ensure that those rights are enforced. No distinction or difference may be made by the state between one person and another. Article 8 ensures the chance for redress when a person feels that his or her rights, as guaranteed by the laws of the country, have been violated. No one should be without remedy whatever the circumstances.

Right to freedom
Article 9
No one has the right to put you in prison or keep you there, or to send you away from your country unjustly or without a reason.

This is the first of three Articles dealing with our most fundamental legal safeguards; each is essential to every legal system.
Freedom from arbitrary arrest. (Arbitrary here means arrest on the orders of someone regardless of whether an offence has been committed or not, and without recourse to proper legal procedures.)
The right to a fair and proper trial.
The right to be presumed innocent until proved guilty.

Right to a fair trial
Article 10
If you must go on trial, this should be done in public. The people who try you should not let themselves be influenced by others.

The right to a fair and proper trial means that everyone must be granted a fair hearing in court by an independant and impartial (unprejudiced) tribunal; whether in a civil dispute (e.g. divorce) or a criminal case (e.g. a charge of burglary).

Sometimes the idea of what is 'fair' or 'independant' or 'impartial' differs from country to country but there still remains this essential requirement that everyone must have a fair chance to state his or her case.

Right to a fair trial
Article 11
You should be considered innocent until it can be proved that you are guilty, and you have the right to defend yourself against any charge at a public trial. You should not be punished for something you did before a new law was made which now forbids it.

Four important principles providing the minimum standard for a fair trial are covered by this article.
1) The presumption of innocence. No one charged with a criminal offence should be treated as guilty until guilt has actually been proved, in some countries this right is the basis upon which accused people are given 'bail' — being allowed to remain at liberty before their trial. Bail is not given to those believed to be a public danger or threat, such as murder suspects.
2) The right to a defence. Those charged with an offence must be allowed lawyers to represent them if desired, and proper ways to establish their innocence, including the right to call witnesses.
3) The right to a public hearing. "Justice should not only be done, but should be

seen to be done". People can have no confidence in the law unless it is applied openly so that everyone can see how the legal machinery works.
4) New laws cannot reach backwards in time. If a new law is enacted or a change made, no one may be charged or punished for breaking it if his or her actions took place before the changes in the law came into force; nor may a heavier punishment be added later.

Right to privacy
Article 12
You have the right to ask to be protected if someone wants to force you to change the way you are, or what you and your family think or write. No one can enter your house without a reason, or say untrue, damaging things about you.

Concepts of 'privacy', 'family', 'home', 'honour', and 'reputation' vary from country to country because racial traditions, culture and customs differ. Because of this accepted variety, Article 12 is implemented through national levels rather than international ones. Abuses, such as wire-tapping to listen to telephone conversations and the use of bugging devices, are difficult to detect and prove.

Right to freedom of movement
Article 13
You have the right to come and go as you wish in your country. You have the right to leave your country and return to it if you wish.

Occasionally, it may be right to restrict people's movements if there is a legitimate need to protect the safety of others. This would only be so if national security, public health or morals were at risk, perhaps in time of public emergency: an outbreak of cholera for example, or the attempt by an accused peson to leave his country to avoid the course of justice. However, some countries restrict ordinary travel for political reasons, or isolate people by confining them to specific areas. Non-white people in South Africa are obliged to live in specifically designated areas and, very often, are denied any chance to travel abroad by the removal of their passports.

Right to political asylum
Article 14
If someone persecutes you, you have the right to go to another country and ask it to protect you. You lose this right if you have committed a crime and have not respected what is written in this Declaration.

Asylum means giving refuge and protection to persons who have left their own country for fear of being persecuted or killed. The right in this Article is the right to seek asylum. In practice, the granting of asylum depends upon the discretion of the country receiving the request. Careful and difficult decisions may have to be made about refugees, particulary when very large numbers of people are seeking asylum, as this could

be seen as a danger to national security. No one however, may be sent back to his or her country (called refoulement) if that person would be threatened or imprisoned for reasons of race, religion, political opinion or membership of a particular group. The United Nations High Commission for Refugees is responsible for the safety of millions of refugees.

The problems are so extensive that this Article is endlessly violated, in spite of the Convention on the Status of Refugees which lays down in detail the standards for their treatment.

Right to nationality
Article 15
You have the right to belong to a country and no one can prevent you, without a good reason, from belonging to it or an other country if you wish.

'Tribalism', 'nationalism', 'patriotism' are all emotive words which are used to mean different things at different times in different situations. What is recognized by this Article as being essential is that nationality is every individual's right from birth. It is necessary for the spiritual as well as the material well-being of everyone. People's sense or belonging and sense of their own worth as well as protection by law are all bound up with their 'territorial instinct' to have a geographical location, and this right must be protected. Sometimes countries are dismantled in whole or in part by political upheavals, and people can lose their nationality and become stateless. Firmer efforts to help such people are being made through the Convention on the Reduction of Statelessness.

Right to marry and have a family
Article 16
You have the right to marry and have a family when you are an adult. There should be nothing to stop you marrying someone from a different race, country or religion from yourself. Men and women have equal rights in marriage. No one can force you to marry. The government of your country should protect your family.

This Article speaks for itself clearly enough, but its necessity lies in the fact that, because of different social, religious and cultural patterns everywhere, attitudes to marriage in different parts of the world vary enormously. There are many places where 'free and full consent' marriages are part of the social pattern and where wives may be treated as slaves by their husbands. Fuller accepetance of and agreement to these rights is hoped for through the United Nations Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriage.

Right to own
Article 17
You have the right to own something yourself or share it with other people. No one

can take it away from you without reason.

Ownership as a human right was first spelt out during the French Revolution. Although it is a right which appears most obvious and straightforward in priniciple, it is still very complex and controversial; for example, land ownership and ocean fishing.

Right to freedom of belief
Article 18
You have the right to make up your own mind, to follow your conscience and to choose your religion freely; you can change your religion, teach it to others, and practise it as you wish, either alone or with other people.

The right to think and change our minds makes conscientious action, cultural appreciation and religious belief possible. Yet the expression of people's thoughts and their actions according to conscience and religious beliefs (particularly as a group) may cause problems if it does not match the social and political environment in which they live. For example, the laws of some states are based on religious beliefs, other states teach atheism and fiercely suppress all religious activity. This contrast in attitudes makes it difficult for the United Nations to get agreement on its Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion.

Right to freedom of opinion
Article 19
You have the right to think and to express your thoughts freely. No one should stop you from getting or giving information and ideas from or to other people, no matter where they live, through books, newspapers, radio, television or other means.

Freedom of opinion and expression is stifled in many countries, often severely. Writers and journalists are persecuted; books, journals and papers are banned or prohibited; there is state ownership and control of the media (radio, television, newpapers and perhaps advertisements too) and censorship of all kinds.

'Subversion' of 'state security' are the usual excuses used by governments to justify such stifling of proper human communication. Luckily, there is no way that free thought, opinion and expression can ultimately or permanently be prevented. But, when freedom of information is denied, people's thoughts and opinions are shackled and become less real and useful.

On the other hand, technical advances may make it necessary for some particular forms of censorship and control to be applied in the future. For example, video and cable television could, if allowed, bring undesirable and destructive elements into people's homes which could damage both minds and morals. This, if we let it happen, would be gross misuse of the principle of freedom of communication. Therefore, the concern of the United Nations is to cut out extremes and to find a middle way for agree-

ment on a Declaration on the Freedom of Information.

Right to freedom of assembly
Article 20
You have the right to organize or take part in meetings or work together in a peaceful way, but no one can force you to belong to a group.

The key word here is peaceful. In many countries people may wish to band together to express a collective opinion or to demonstrate support for some belief they hold in common (for example, a religious congregation or a political demonstration on behalf of a peace movement). They may want to do this to influence those in authority, or to protect an individual or group, or simply to play a democratic part in their own society.

Many governments restrict this freedom of association and such restriction may be a form of repression. Demonstrations may be violently broken up by the police or the pretext that the security of the state is endangered. Alternatively, when a group (perhaps a trade union) insists that people should become members, this also violates Article 20.

Right to political activity
Article 21
You have the right to take an active part in your country's affairs by belonging to the government or by voting for politicians of your choice. You have the right to work in local government. The government shall be elected freely by all people. Elections shall be held regularly and everyone's vote is equal.

The idea behind this Article is that people should be allowed to participate in their own government both through a free and fair voting system and through proper openings into the machinery of government at all levels, local and central. How this actually happens depends upon the constitution and traditions of each nation. When there is tyranny or foreign domination, none of these rights is possible. Even when such extreme situations do not exist, many countries still have problems ensuring that elections are honest and fair.

Right to social security
Article 22
You have the right to social security (a roof over your head, enough money to live on and medical help if you are ill). Also the chance to take part in and enjoy music, crafts, sport and anything which helps develop you personality.
This reminds us that supplying material needs alone is not enough. To secure the dignity and well-being of people, fairer social structures within each state and co-operation between states is essential because the resources of each state vary. Some countries are rich in resources, some are poor.

Right to work
Article 23
You have the right to work, to choose your work freely and to receive payment for it which allows you and your family to live decently. Men and women should receive the same pay for doing the same work. You have the right to claim unemployment benefit or social security if necessary. You have the right to join a trade union to protect your interests.

Not many people in the world are able to choose exactly the work they want and where they do it. The problem may be housing or mobility or the difficulty of getting the right qualifications. At the other extreme, many people are denied the right to leave their work (forced labour). Political detentions are held without trial in labour camps; for example, the thousands of Indonesians on Buru Island, or Russians in Siberia.

Conditions of work and the rights of workers are monitored each year by the International Labour Organization which reports on the ways in which each nation is, or is not, following its detailed recommendations in support of this Article.

Right to leisure
Article 24
You have the right to rest and leisure, to work reasonable hours and to take regular paid holidays.

In many countries, people still work over 15 hours a day and have no holiday in years. This Article sets out to put a limit on working hours and to insist on paid holidays. Again, the International Labour Organization has made sure that such limits are now internationally recognized as genuine human rights, even if they are not in the same category as some other more fundamental rights.

Right to a decent standard of living
Article 25
You have the right to a decent standard of living and to be helped if you cannot work because there is no work, or because you are ill or too old, or because your wife or husband is dead or for any other reason beyond your control. Mothers and children deserve special care. All children have the same rights, whether their parents are married or not.

The variable here is in the idea of an 'adequate standard of living'. The higher people's standard of living is, the higher are their expectations. They are no longer content with the simple essentials and feel they have the 'right' to own more and more. What this Article aims to do is to pin down the very least that is to be expected by all human beings for their own health and security, and to underline the principle that those in greatest need must be planned for and helped first. The needs under consideration are the basic needs of food, shelter, clothing and household requirements, also community ser-

vices relating to water, sanitation, health and education.

Right to education
Article 26
You have the right to learn. Primary education should be compulsory and free. You should be able to learn a profession or continue your studies as far as you are able. At school you should be taught to develop your talents and to get on with other people, whatever their religion, their race or their nationality. Education should help the United Natipns in its efforts to bring about and keep peace in the world. Your parents have the right to choose what kind of school you will go to.

Although compulsory education up to the age of 16 exists in many countries, schooling is so minimal or non-existant in other places that almost a third of the world population is illiterate. The Article has two main objectives: to achieve literacy worldwide (through the first step of free primary school education at least) and 'universal' education. Only then can education provide the means for the fullest development of every person's personality and only then can international understanding and human responsibilities be strengthened and help guard world peace.

Right to culture and copyright
Article 27
You have the right to join in cultural activity and to share in the better life that scientific progress makes possible. Anything you invent or produce should be protected and you should be able to benefit from it.

Right to protection of rights
Article 28
So that your rights and freedoms are respected in your country and all over the world, there must be an 'order' which can fully protect them.

This looks like one of the dullest Articles of the Universal Declaration, but it contains the key, possibly, to answering the needs of all the people anywhere.

The social order of many nations is in great imbalance. The most fundamental human right of all — the right to life — is denied to millions, even in the more economically developed countries, because of severe poverty and deprivation.

The international order is even more seriously imbalanced. One single fact shows us how seriously. More money and human energy across the world are spent on military arms in two weeks than would be required to ensure the health of every living person for a whole year.

Existing economic policies and institutions often widen the gap between rich and poor countries because of their self-centered nature. People's right to peace can

only be fulfilled if people everywhere are willing to make great changes (see the Preamble to the Universal Declaration). Article 28 asks for a new structure of international economic life.

Duties to community and respect of rights
Article 29
This is why you also have duties towards the people you live amongst, in a democratic society, your rights and freedoms shall be limited only so far as necessary to protect the rights and freedoms.

The concern here is respect for the rights of others. Emphasis is put on the idea that everyone is responsible for the general welfare, and that failure to take this responsibility prevents the full development of each person.

But governments discover that there is, invariably, a conflict between the rights of the individual and those of the whole community. Here are two examples: some governments severely restrict freedom of political expression, but emphasize economic considerations for their citizens. They are denying people's civil and political rights 'for the sake of ' easier control of their economic, social and cultural lives. Other governments are determined to foster such allegiance to the state that they repress all religous beliefs, thus denying the right of the individual for what is considered to be the common good.

The Universal Declaration recognizes that freedom from fear and want for all human beings can only be achieved when everyone can enjoy economic, social and cultural rights as well as civil and political rights. They are interdependant and indivisable.

Protection of this Declaration
Article 30
No government, organization or person may destroy the rights and freedoms set out in this Declaration.

This means that no one must take any Article of the Declaration out of context of the whole and use it as an excuse for violating some or all the Articles presented together, and it insists on the fact that every single individual is responsible for making the Declaration work, as well as groups, organizations and governments.

Finally it is possible to look back on the 30 Articles of the Universal Declaration and to see that they fall into three groups. Articles 1-21 concern fair and equal treatment and guarantee certain personal rights and freedoms for everybody. Articles 22-27 deal with the rights to education and work, to food and care, to security in the community. Articles 28-30 look at responsiblility of all to make certain that these rights may be passed on to our children, grandchildren and future generations.

I- 32

The Charter of Rights and Freedoms

A Guide For Canadians

'C· 75

Constitution Act, 1982 Part I

Canadian Charter of Rights and Freedoms

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Guarantee of Rights and Freedoms

1

The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

This part of the *Constitution Act, 1982*, sets out a *Canadian Charter of Rights and Freedoms* that establishes for all Canadians protection of certain basic rights and freedoms essential to maintaining our free and democratic society and a united country.

This Charter of Rights applies to all governments – federal, provincial and territorial – and provides protection of the following:

- fundamental freedoms
- democratic rights
- the right to live and to seek employment anywhere in Canada
- legal rights
- equality rights for all individuals
- official languages of Canada
- minority language education rights
- Canada's multicultural heritage
- native people's rights

Canadians have enjoyed many of these basic rights and freedoms as a matter of practice for many years. Certain rights were set out in the Canadian Bill of Rights, which was introduced by Prime Minister John G. Diefenbaker in 1960, as well as in various provincial laws. However, including them in a Charter of Rights, written into the Constitution, clarifies and strengthens them.

At the same time, though, in a democratic society, rights and freedoms are not absolute; they are often qualified or limited in order to protect the rights of others or in light of other constitutional values. An example is the qualification on free speech in laws on libel or slander or the prohibition of hate propaganda. Section 1 of the Charter thus guarantees the rights set out in the Charter, subject to such limitations as are shown to be justified in a free and democratic society. Any limitation of a guaranteed right must be established by a rule of law. The limitation cannot restrict the right more than is required to achieve a desirable social purpose and those who rely on the limitation must prove that it is justifiable in a free and democratic society.

76

Fundamental Freedoms

2 [redacted]

Everyone has the following fundamental freedoms:

(a) freedom of conscience and religion;

(b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

(c) freedom of peaceful assembly; and

(d) freedom of association.

The Charter enshrines certain fundamental freedoms for everyone in Canada. They are freedoms that custom and law over the years have made almost universal in our country. Now these freedoms are protected by the Constitution.

Even though we have, over the years, tended to take our rights for granted, some fundamental rights have been denied by laws or government practice.

For example, in 1937 the Alberta Legislature passed a law that would have required newspapers to reveal their sources of news and to publish without charge "information" supplied by the government. In 1937, the Quebec government's "padlock law" banned the propagation of Communism and Bolshevism by closing up and padlocking any premises used for those purposes. In the early 1950s, a bylaw had the effect of restricting the right of Jehovah's Witnesses to practice their religion by distributing pamphlets on the street.

With the Charter, we are guaranteed the right to worship, or not, as we wish, in a manner, place and time of our choice. Freedom of expression, the press and other media are ensured, subject to the restraint that the exercise of these freedoms does not infringe the legal and constitutional rights of other Canadians. Our right to gather in peaceful groups as well as freedom of association, both so necessary for expressing communal social action and concerns, are also protected.

Democratic Rights

3 [redacted]

Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

The tradition of democratic rights in Canada is specifically guaranteed by the Charter. Citizens have a constitutionally enshrined right to vote in elections for members of the House of Commons or a legislative assembly and to seek election to either of those houses.

The only restrictions that may be placed on a citizen's right to vote or to run in an election are those that are considered to be reasonable and justified, such as the restrictions on minors and some election officials, such as returning officers, who may have to cast a deciding ballot. In the case of elective office, there may also be certain restrictions. For example, it may be inappropriate for judges to seek political election, because of the non-partisan nature of their office.

4 [redacted]

(1) No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members.

(2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be.

It is a well-established principle in a democracy that governments cannot continue their hold on power indefinitely without asking the voters for a new mandate. Now the principle is enshrined in law, in a section of the Charter that says no Parliament or provincial legislative assembly shall continue for more than five years, except in extraordinary circumstances, such as war, insurrection or invasion. Even then, continuing the life of an elected assembly would be possible only with the approval of two-thirds of the members of Parliament or the legislature concerned.

5 [redacted]

There shall be a sitting of Parliament and of each legislature at least once every twelve months.

The Charter also provides that there must be a sitting of Parliament and each provincial legislature at least once every 12 months so that the government remains accountable to the elected members. This annual sitting rule for the federal Parliament is already covered by the *Constitution Act, 1867*. However, previously there was no similar constitutionally entrenched rule for the provinces.

Mobility Rights

6 [redacted]

(1) Every citizen of Canada has the right to enter, remain in and leave Canada.

This section provides that Canadians are free to enter, remain in, or leave Canada (though this right may be subject to our international extradition agreements). An example of government interfering with mobility rights is the treatment of Japanese-Canadians during and after World War II. In the early 1940s, Cabinet issued an order under the authority of the *War Measures Act* which, in some cases, resulted in their being stripped of their citizenship and being expelled from Canada.

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(2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right

(a) to move to and take up residence in any province; and

(b) to pursue the gaining of a livelihood in any province.

Mobility rights give all Canadian citizens and permanent residents the right to live and seek employment anywhere in Canada. For most of the years since Confederation in 1867, Canadians have assumed these rights existed and in fact exercised them, but never before were they guaranteed in our Constitution.

(3) The rights specified in subsection (2) are subject to

(a) any laws or practices of general application in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and

(b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services.

The mobility guarantee means that you are able to move to any province or territory from any other, without hindrance, and look for work there. Or, you are able to live in one province and make a living in another. No general restrictions may be placed on you just because you come from another part of the country. However, this does not prohibit the provinces from making residence a requirement for certain social and welfare benefits existing in the provinces. Moreover, the ordinary rules of employment in the province apply equally to newcomers and long-time residents. These could include professional or trade qualifications, union membership, experience, health and so on, providing these apply equally to residents and to people coming from outside the province.

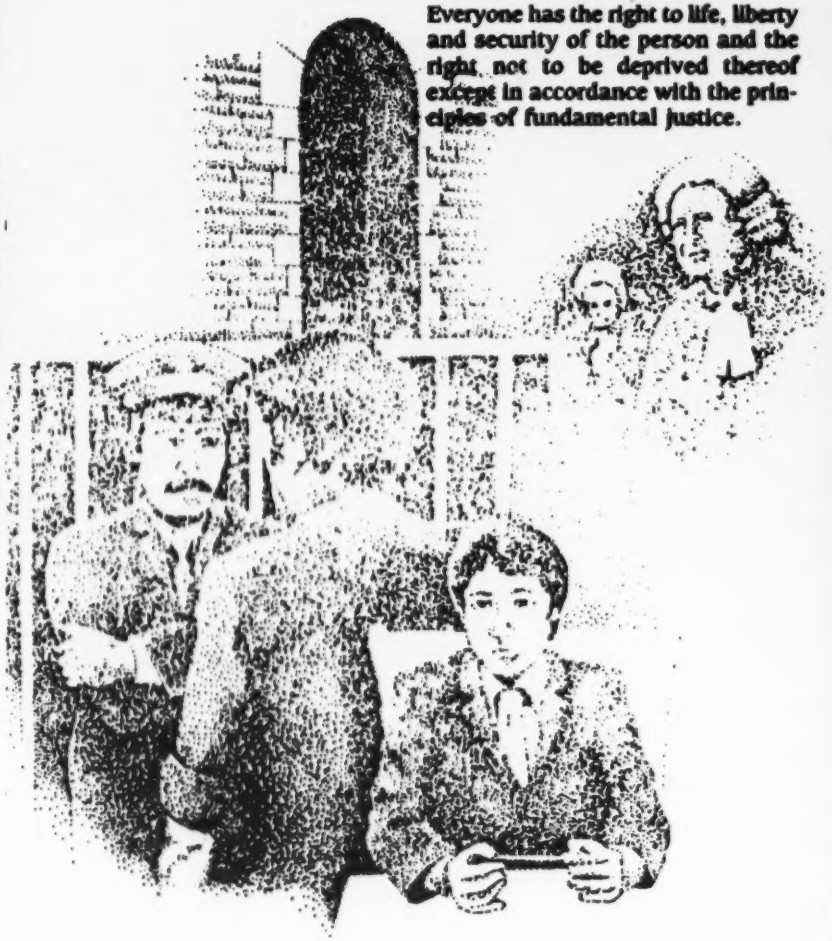
(4) Subsections (2) and (3) do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

However, a province in which the employment rate is below the national average has the right to undertake programs for socially and economically disadvantaged residents of the province.

Legal Rights

7

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.



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The rights outlined in these sections spell out the basic legal protections that safeguard us in our dealings with the state and its machinery of justice. They are designed to protect the individual and to ensure simple fairness should he or she be subject to legal proceedings, particularly in criminal cases.

These legal rights are an expansion of those included in the *Canadian Bill of Rights* of 1960, and most of them already exist in Canada by precedent and practice, or ordinary statute law. Enshrining them in the Constitution ensures that they will not be able to be taken away easily by the state or its law enforcement agencies.

Section 7 provides a general framework for the other legal rights guaranteed by the Charter and it is designed to provide protection and fairness for any person whose life, liberty or personal security may be at stake in any legal proceeding. In light of section 7, it is clear that an accused person may not be subjected to imprisonment in circumstances where the person has really done nothing wrong, for example an offence where the accused is not allowed the defence of showing that the act was due to an honest and reasonable mistake, and he or she had no guilty intention. Such an absolute liability offence is inconsistent with section 7, where the consequence of conviction may be imprisonment.

8 [redacted]

Everyone has the right to be secure against unreasonable search or seizure.

This legal right prohibits unreasonable search or seizure. Even though the law authorizing the search or seizure may have a rational objective of law enforcement, the manner in which it is executed must be reasonable in relation to an individual's right to privacy; for instance, the police are not able to use unnecessary force, nor intervene without due cause or authorization.

9 [redacted]

Everyone has the right not to be arbitrarily detained or imprisoned.

This section provides an assurance that no person may be detained or held in an arbitrary manner. A police officer has to show reasonable cause for detaining a person. However, this does not, for example, prevent an officer from stopping a driver of a vehicle for a breath test.

10 [redacted]

Everyone has the right on arrest or detention

- **(a) to be informed promptly of the reasons therefor;**
- **(b) to retain and instruct counsel without delay and to be informed of that right; and**
- **(c) to have the validity of the detention determined by way of *habeas corpus* and to be released if the detention is not lawful.**

The rights on arrest or detention are designed to protect against arbitrary or unlawful actions by law enforcement agencies. Therefore, anyone held or arrested by any authority has the right to be immediately told the reasons for being taken into custody, the right to be informed of the right to contact and consult a lawyer forthwith to obtain legal advice, and the right to have a court determine quickly whether the detention is lawful.

11 [redacted]

Any person charged with an offence has the right

- **(a) to be informed without unreasonable delay of the specific offence;**
- **(b) to be tried within a reasonable time;**
- **(c) not to be compelled to be a witness in proceedings against that person in respect of the offence;**
- **(d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;**
- **(e) not to be denied reasonable bail without just cause;**
- **(f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment;**
- **(g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations;**
- **(h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and**
- **(i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.**

This section sets forth other important protections for any person charged with offences under federal or provincial law.

First, an accused person has to be told promptly of the offence with which he or she has been charged, and brought to trial without undue delay. Also, the accused cannot be forced to take the stand at his or her own trial. Also under this section, everyone charged with an offence has the right to be presumed innocent until proven guilty. This means that the prosecution must prove all the essential elements of the offence and cannot require the person charged to disprove a presumed fact which is one of the essential elements of the offence. Also, the trial must be conducted in a manner which is fair and before a tribunal which is unbiased

and independent from political or other influences. In addition, a person is entitled to be allowed reasonable bail and the right to trial by jury for serious charges.

Another provision makes it clear that a person cannot be convicted of an act or omission unless that act or omission is defined as an offence under Canadian or international law at the time the act or omission occurs. This prevents the state from creating offences retroactively.

If a person is tried and acquitted, he or she cannot be tried on the same charge again, or if found guilty and punished, cannot be tried or punished for it again.

And finally, there is the case where a new law increases the fine or term of imprisonment for a given offence. If the person commits the offence before the tougher penalties come into effect, but trial and conviction come afterward, the lesser penalty applies.

12

Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

Section 12 ensures that no one may be subjected to cruel and unusual punishment.

13

A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

This right ensures that any witness has an automatic right not to have incriminating evidence resulting from giving testimony used against him or her in subsequent proceedings, except in special cases such as perjury.

14

A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

A party or witness in any proceedings, civil or criminal, has the right to the assistance of an interpreter if he or she does not understand or speak the language of the proceedings or is deaf. This right exists without regard to the language involved.

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Equality Rights

15

(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

The equality rights included in the Charter are complemented and added to by the anti-discrimination provisions found in federal and provincial human rights legislation.

Under the Constitution, every individual – regardless of race, religion, national or ethnic origin, colour, sex or age, as well as those who are physically or mentally disabled – is equal before and under the law, and enjoys equal protection and benefit of the law. This means that government programs, such as laws and pension plans, must not be discriminatory. Also, practices which, for example, unfairly discriminate on the basis of religious observance are not permitted.

Finally, the list of grounds of non-discrimination and the list for affirmative action are not exhaustive. This may enable the courts to apply further grounds of non-discrimination where the distinctions drawn are considered unacceptable.

The Constitution makes it clear that equality is not a right to be acquired, but a state that exists. It ensures that individuals are entitled to full equality in law – and not just in the laws themselves but in the administration of law as well.

However, at the same time, the Charter's equality guarantees don't rule out laws or programs designed to favour individuals or groups who may be at a disadvantage in society, such as programs of equal employment opportunities for women, Native people or visible minorities.

For example, being handicapped is obviously a condition that requires special kinds of assistance and protection from discrimination. The Charter, therefore, specifically allows for the establishment of special programs designed to promote opportunities for the disabled and makes certain these kinds of programs are upheld by Canadian law.

Official Languages of Canada

16

(1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.

(2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick.

(3) Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French.

Section 16(1) confirms that English and French are Canada's official languages; it also declares that both official languages have equal status and have equal rights and privileges as to their use in all federal institutions.

17

(1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.

(2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

In sections 17(1), 18(1), 19(1) and 20(1), the principle of equality of the two official languages is given particular expression in some specific federal areas. Every person has the right to use English or French in Parliament. For example, a witness before a parliamentary committee can use either official language. Federal laws must be adopted in both English and French. Everyone has the right to use French or English in all courts established by Parliament, including the Supreme Court of Canada, the Federal Court of Canada and the Tax Court of Canada. For example, you may use either official language in any document involved in the proceedings and you may testify in the official language of your choice. Members of the public have the right to communicate in English or French with the federal government and to obtain services in the official language of their choice from all central offices of the federal government, as well as other federal offices such as those where there is significant demand for services in that language.

In sections 16(2) to 20(2), the Charter recognizes English and French as the official languages of New Brunswick, at the specific request of that province. The people of New Brunswick have the constitutional right to use either official language in dealings with their government, in their legislative assembly and before the provincial courts. The laws of New Brunswick must be adopted in both English and French.

18

(1) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative.

(2) The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative.

19

(1) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament.

(2) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court of New Brunswick.

20

(1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other office of any such institution where

(a) there is a significant demand for communications with and services from that office in such language; or

(b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French.

(2) Any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French.

21

Nothing in sections 16 to 20 abrogates or derogates from any right, privilege or obligation with respect to the English and French languages, or either of them, that exists or is continued by virtue of any other provision of the Constitution of Canada.

Section 21 ensures that the people of Quebec and Manitoba will continue to have the right to use either English or French in the legislatures and before the courts of those provinces, and to have provincial laws adopted in both English and French. Those constitutional rights in these two provinces are found in section 133 of the *Constitution Act, 1867* and section 23 of the *Manitoba Act, 1870*. As stated by the Supreme Court of Canada, the purpose of those provisions is "to ensure full and equal access to the legislatures, the laws and the courts for francophones and anglophones alike."

22

Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

Section 22 ensures that any rights or privileges that exist with respect to languages other than English or French are not impaired by the official languages provisions of the Charter.

Minority Language Educational Rights

23

(1) Citizens of Canada

(a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or

(b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary school instruction in that language in that province.

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province

(a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and

(b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

This section of the Charter guarantees significant minority language educational rights.

In the nine predominantly English-speaking provinces as well as the Yukon and the Northwest Territories, parents who are Canadian citizens whose mother tongue is French, or who have received their own primary instruction in French in Canada, or who have a child who has received or is receiving primary or secondary school instruction in French in Canada, have the constitutional right to have all their children instructed in French.

In the province of Quebec, parents who are Canadian citizens who have received their own primary instruction in English in Canada, or who have a child who was or is being instructed in English in Canada, have the constitutional right to have all their children instructed in English. The Constitution provides that the criterion of the mother tongue of a parent will not apply in the province of Quebec until authorized by the legislative assembly or government of Quebec.

In all cases, the right applies wherever there is a sufficient number of eligible children to warrant the provision to them of minority language education out of public funds. Moreover, where the number of children so warrants, they are entitled to receive their instruction in minority language educational facilities provided out of public funds.

59.* (1) Paragraph 23(1)(*a*) shall come into force in respect of Quebec on a day to be fixed by proclamation issued by the Queen or the Governor General under the Great Seal of Canada.

(2) A proclamation under subsection (1) shall be issued only where authorized by the legislative assembly or government of Quebec.

(3) This section may be repealed on the day paragraph 23(1)(*a*) comes into force in respect of Quebec and this Act amended and renumbered, consequential upon the repeal of this section, by proclamation issued by the Queen or the Governor General under the Great Seal of Canada.

* Section 59 of the *Constitution Act, 1982*, is not a part of the Charter of Rights and Freedoms. However, it is reproduced here because it is directly related to the subject of minority language education rights.

Enforcement

24

(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

(2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

Any person whose rights or freedoms under the Charter have been infringed or denied may obtain a remedy from the Courts. The enforcement provision might work as follows. Any person who thought that a law was infringing his/her right to be presumed innocent, could apply to a court for a remedy. In such a case, the person would need to establish that a Charter right had been contravened and that there was no demonstrable justification for the contravention. If the court accepted this, then it could fashion a remedy for the infringement of the person's rights.

General

25

The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the Aboriginal peoples of Canada including

(a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and

(b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.

There are a number of provisions in the Canadian Charter of Rights and Freedoms and elsewhere in the new Constitution that recognize and affirm the rights of the Native peoples of Canada – Indian, Inuit and Métis.

35*(1) The existing aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed.

(2) In this Act, "Aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

(3) For greater certainty in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

* Section 35 of the Constitution Act, 1982 while not part of the Canadian Charter of Rights and Freedoms pertains to the Rights of the Aboriginal Peoples of Canada.

Special provisions were written into the Constitution at the request of Native organizations. Representatives of these groups argued forcefully for recognition that would help their people preserve their culture and identity, their customs, traditions and languages.

Section 25 of the Charter makes it clear that no other provision can be used in a way that will interfere with any special rights that the Native people have now or may acquire. For example, any new benefits they may gain from a settlement of land claims would not run afoul of the general equality rights as set out in the Charter.

Further on in the Constitution, section 35 states that the existing aboriginal and treaty rights of the Aboriginal peoples of Canada are recognized and affirmed.

26

The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.

This section ensures that, by specifically guaranteeing certain rights and freedoms in the Charter, the existence of any other rights are not denied. In other words, the Charter does not pretend to be an exhaustive document concerning the rights of Canadians. We

also have rights which derive from federal, provincial, international and common law. What the Charter does do is entrench basic, or *minimum* rights. Also, nothing in the Charter prevents Parliament or legislatures from adding to our rights.

27

This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

Canadians are proud that this country has not become a melting pot, but has maintained its multicultural character. This is officially recognized in the Constitution under the provisions of the Charter stating that it shall be interpreted in such a way as to maintain and enhance the multicultural heritage of Canada. This means, for example, that freedom of expression would not allow a person to incite hatred toward a group in Canadian society identifiable on some racial, religious or cultural characteristic.

28

Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

This special clause ensures that all rights in the Charter are guaranteed equally to men and women.

29

Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.

The establishment and operation of religious schools are not adversely affected by any other provisions of the Charter.

This ensures, for example, that neither the freedom of conscience and religion clause nor the equality rights clause is interpreted so as to strike down existing constitutional rights respecting the establishment and state financing of schools operated on a religious basis, where students and teachers are selected according to their adherence to a particular religious faith.

30

A reference in this Charter to a province or to the legislative assembly or legislature of a province shall be deemed to include a reference to the Yukon Territory and the Northwest Territories, or to the appropriate legislative authority thereof, as the case may be.

This provision makes it clear that the Charter applies equally to the Yukon Territory and the Northwest Territories in the same way as it does to the provinces.

31

Nothing in this Charter extends the legislative powers of any body or authority.

This section simply states the basic rule that nothing in the Charter is intended to affect the distribution of powers carried over from the *British North America Act* as between Parliament and the provincial legislatures. The Charter neither transfers powers from the provincial to the federal order nor vice versa. It does ensure that Canadians enjoy their basic rights without undue restraint by either order of government.

The Charter defines the relationship between government and individuals with respect to their rights and freedoms. The protection of rights as between individuals is governed by federal and provincial human rights laws.

Application of Charter

32

(1) This Charter applies

(a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and

(b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.

(2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this section comes into force.

After a delay of three years following patriation, section 15 of the Charter, dealing with "equality rights," came into force on April 17, 1985. This section completed the process of the coming into force of the Charter.

33

(1) Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter.

(2) An Act or a provision of an Act in respect of which a declaration made under this section is in effect shall have such operation as it would have but for the provision of this Charter referred to in the declaration.

(3) A declaration made under subsection (1) shall cease to have effect five years after it comes into force or on such earlier date as may be specified in the declaration.

(4) Parliament or a legislature of a province may re-enact a declaration made under subsection (1).

(5) Subsection (3) applies in respect of a re-enactment made under subsection (4).

Under the agreement that broke the constitutional deadlock, both Parliament and provincial legislatures retain a limited power to pass laws that may override contravening parts of the Charter of Rights concerning fundamental freedoms, legal rights and equality rights.

However, in order to do so, Parliament or a legislature has to insert a clause declaring specifically that it is passing the law *notwithstanding* specified provisions of the Charter of Rights.

In addition, any federal or provincial law containing a "notwithstanding," or override clause, has to be reviewed and the declaration re-enacted at least every five years or it will not remain in force.

In other words, if a government should propose a law that may limit some of the rights and freedoms set out in the Charter, it has to say clearly that this is what it is doing and accept full responsibility for the political consequences.

It is important to note that an override clause is very different from an "opting out" provision. No province can opt out of the Charter of Rights and Freedoms.

Furthermore, the override clause ensures that legislatures rather than judges have the final say on important matters of public policy, and that the Charter continues to reflect our changing social values.

Similar override clauses appear in the *Alberta Bill of Rights*, the *Saskatchewan Human Rights Code*, the *Quebec Charter of Rights and Freedoms*, and the *Canadian Bill of Rights*.

Citation

34 [redacted]

This part may be cited as the *Canadian Charter of Rights and Freedoms*.

This section simply provides that the Charter shall be known as the *Canadian Charter of Rights and Freedoms*.

Court Challenges Program

The federal government has established a new Court Challenges Program to provide support to important test cases challenging federal legislation, practices or policies, based on the equality rights provisions under section 15 and 28 of the Charter and including section 27 (multiculturalism) where an equality rights dimension is argued.

The Court Challenges Program also provides support for test cases involving language rights protected by the Constitution (based on section 93 or 133 of the *Constitution Act, 1867*, section 23 of the *Manitoba Act, 1870* or on sections 16 to 23 inclusive of the *Constitution Act, 1982* or parallel constitutional provisions).

The Canadian Council on Social Development, a private, non-profit organization, has been appointed to administer the expanded Court Challenges Program.

For further information, please contact:

The Court Challenges Program
Canadian Council on Social Development
P.O. Box 3505, Station C
55 Parkdale Avenue
Ottawa, Ont.
K1Y 4G1
Telephone: (613) 728-1865

The Role of the Department of Justice

The mandate of the Department of Justice reflects the dual functions of the Minister of Justice and the Attorney General. The Department assumes leadership in the planning, developing and implementation of government policies in areas related to the administration of justice. The Department also provides a full range of legal services to the Government of Canada and ensures that the administration of public affairs is carried out in accordance with the law. In addition, the Department is mandated to ensure that all government bills and regulations are consistent with the *Canadian Bill of Rights* and the *Canadian Charter of Rights and Freedoms*. The Department was responsible for conducting a review of all federal legislation to ensure its compliance with the *Charter*.

The Department of Justice is also responsible for the development of human rights policy, including the *Canadian Human Rights Act*. It recently coordinated the government response to the Parliamentary Subcommittee on Equality.

The Human Rights Law Fund was established by the Department in 1982. It assists individuals, non-governmental groups and voluntary organizations to undertake a variety of promotional, research and public education activities related to the legal aspects of human rights and, in particular, to the impact of the *Charter*.

At the international level, the Department of Justice advises the government on Canada's international human rights treaty obligations. It also assists in the preparation of Canada's reports to the United Nations Centre for Human Rights and participates in international human rights meetings.

For information concerning the Department's human rights law activities or the Human Rights Law Fund, please write to:

Human Rights Law Section
Department of Justice
Room 601
239 Wellington Street
Ottawa, Ontario
K1A 0H8.

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What is a Responsibility?

Summary:

This section offers discussion on the link between human rights and responsibilities. A series of five case studies on discrimination based on true events are read and followed by suggestions for discussion, debate and writing exercises. The section "You Be the Judge" solicits the students' opinions regarding these cases.

A brief biography of Canadian human rights advocate Nelly McClung is read and discussed in the context of the rights that she worked toward and the responsibilities that she upheld.

Discuss the word 'responsibility' with the class. Have a student look it up in the dictionary and read the definition aloud. Relate some of your responsibilities to the class. Have the students express some of their individual responsibilities.

Vocabulary:

responsibility
entitled

Ask the class to do the exercise on page 25 after reading the instructions silently.

When the students have completed the exercise, have them read the answers aloud. Have the class decide whether each answer truly denotes a responsibility.

Ask a student to read aloud the bottom paragraph. Engage the class in a discussion about our responsibilities to the community in which we live.

Case Study 1:

Discuss different kinds of discrimination. Elicit from the students the following examples: discrimination on the basis of race, religion, colour, age, sex, ethnic or national origin, etc. Have them cite examples in each case.

Discuss the issue of religious freedom. Should people be able to freely practise their religion? How?

Vocabulary:

O'Malley
Ontario
Saturdays
religious
Seventh Day Adventist
commission
discrimination
'in favor of'
vs.

Have the class read silently the summary of the case on page 26. Discuss the rights and responsibilities involved.

For added practice, ask the students to read the parts in the short play.

Case Study 2:

Discuss some of the limits on the freedom of religion.

Vocabulary:

Canadian National Railway
British Columbia
Sikh
turban
Supreme Court

Have the students read the summary of the case silently. Discuss the differences between this case and the O'Malley case. What were the rights and responsibilities involved in this case?

Other activities:

Teach a lesson on abbreviations using Canadian National Railway (C.N.R.) and British Columbia (B.C.) as examples. Other possible examples may include the abbreviations for the provinces, countries, and important organizations such as the United Nations (U.N.).

Have the students read the cloze exercise silently. After all have done so, have one person read it aloud.

Case Study 3:

Discuss:

- What have women achieved over the years? The right to vote, to hold political office, etc. are possible answers.

- What are non-traditional jobs for women?

- Are women able to apply for them?

- Are women discriminated against in these jobs?

Vocabulary:

discriminate
discrimination
non-traditional jobs
Federal Court of Appeal
deterring
equal opportunity
weights

Ask the students to read the case silently and write about it. They must express their opinions. Do they agree with the position of C.N.R. or do they agree with that of the Human Rights Commission? In their essays, they are to discuss whether or not they feel women should work in non-traditional jobs.

Case Study 4:

Discuss the different kinds of discrimination. Elicit from the students examples of discrimination on the basis of race, religion, age, sex, and disability. Ask for several examples in the case of age discrimination.

Vocabulary:

studio
Quebec Superior Court
power
wronged
C.B.C. (abbreviation for Canadian Broadcasting Corporation)

Ask the students to read the story silently. Discuss it with them, including the decision of the judge. Engage the class in a debate. Have each side take a stand and debate the issue.

Case Study 5:

Discuss the rights of handicapped people.

- Do employers have to make provisions for them? Cite some examples:

- wheelchair ramps
- washroom facilities
- work stations, etc.

Elicit other examples from the students.

Vocabulary:

epilepsy
seizures
symptoms
protection
Ontario
work stations

Ask the students to read the story silently. Discuss the case. Do they feel that the worker was justified? Do they see the need for laws, charters and codes to protect human rights? How far should these laws go? Should they protect us even farther?

Ask the students to answer the questions in the following exercises.

After reviewing/teaching the vocabulary below, ask the students to give you several examples of each of the freedoms.

Vocabulary:

religion
expression
opinion
association
equality

Ask the students to read the exercises on pages 34 - 37 silently. Then do the exercise as a class exercise, orally.

A Canadian Human Rights Story: Nellie McClung

Suggestions for discussion:

- What are the rights of women?
- Did they always have these rights?
- Did women always have the right to vote?
- How do you think they acquired it?
- What other rights have they acquired over the years?
- What rights are being demanded today?
- Are women and men equal today?
- Are there injustices still?

Vocabulary:

interested
determined
Canada
Canadian
Ontario
Manitoba
equality
politics
wifehood
motherhood
tireless
justices
injustice
premier
elections
petition
retract
apologize
conquer
rose to power

Ask the students to read the story of Nellie McClung silently. Have them discuss their feelings about Nellie McClung. Can they name some other women's rights activists?

Have the students complete the exercise on page 40 independently.

Other suggestions:

Look at the map of Canada. Locate Ontario and Manitoba. Point out all the provinces. Then have the students read the names of the provinces. It might also be a good idea to have them learn the names of the provinces as a spelling lesson.

The Universal Declaration of Human Rights: A Little History

Summary:

This section introduces students to the historical background to the Universal Declaration of Human Rights through a brief look at the events prior to and during World War II. Excerpts from *Anne Frank: The Diary of a Young Girl* are examined in the light of what might happen if human rights were not respected.

Suggestions for discussion:

- The Holocaust
- The atomic bomb on Hiroshima and Nagasaki
- The United Nations:

Bring in an encyclopedia, and some books on the U.N. Have the students work in pairs reading the material, and listing some facts about the U.N. Meet back as a group and have the them read their lists. What else did they learn about the U.N?

Vocabulary:

United Nations (U.N.)
Universal Declaration of Human Rights
dreadful
pursue
common standard
atomic
Holocaust
honour
respect
protection
excluded
factors
national origin
social origin
conquer
rose to power

Have the students read the selection on page 41. Continue with a discussion of what might be contained in the Declaration of Human Rights.

Then have them silently read the first passage on page 42 and discuss its contents. What are their opinions? Are they in agreement with the passage? Are they discriminated against? If so, why? How? Do they practise non-discrimination?

Have the students read the second part of page 42. Discuss some of the aspects of WW II. Ask them how they think the second passage relates to human rights? If human rights had been respected what events might have been averted?

Look at the chart on page 43. Explain that these are estimates of the major losses in World War II. Have each person read a country and the number of lives lost, out loud. Discuss the implications of these numbers.

Read the caption at the bottom of the chart to the class. Have the class examine the picture at the bottom of the page. Ask one person to read the caption under the photograph. Discuss the Holocaust.

Teacher's Documentation:

- Human Rights: 50 questions and answers about human rights and the United Nations activities to promote them. (1983). United Nations.

What are human rights?

Human rights could be generally defined as those rights which are inherent in our nature and without which we cannot live as human beings.

Human rights and fundamental freedoms allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. They are based on mankind's increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection.

The denial of human rights and fundamental freedoms not only is an individual and personal tragedy, but also creates conditions of social and political unrest, sowing the seeds of violence and conflict within and between societies and nations. As the first sentence of the Universal Declaration of Human Rights states, respect for human rights and human dignity "is the foundation of freedom, justice and peace in the world".

What is the Universal Declaration of Human Rights?

The Universal Declaration of Human Rights is the basic international pronouncement of the inalienable and inviolable rights of all members of the human family.

The Declaration was proclaimed in a resolution of the General Assembly on 10 December 1948 as the "common standard of achievement for all peoples and all nations" in respect for human rights. It lists numerous rights—civil, political, economic, social and cultural—to which people everywhere are entitled.

Originally the Universal Declaration was conceived of as a statement of objectives to be achieved by Governments and, as such, was not part of binding international law. However, the fact that it has been accepted by so many States has given it considerable moral weight. Its provisions have been cited as the justification for numerous United Nations actions, and have inspired or been used in many international conventions. In 1968, the United Nations International Conference on Human Rights agreed that the Declaration "constitutes an obligation for the members of the international community". The Declaration has also exercised a significant influence on national constitutions, on national laws and in some cases on court decisions.

The Universal Declaration of Human Rights is also the first segment of the International Bill of Human Rights, which includes the International Covenant on Economic, Cultural and Social Rights (adopted by the General Assembly in 1966), the International Covenant on Civil and Political Rights (adopted in 1966) and the Optional Protocol (adopted in 1966) to the latter covenant.

What rights are proclaimed in the Universal Declaration?

The first two articles of the Universal Declaration emphasize that all human beings, without distinction, are born free and equal in dignity and rights, and set out the basic principles of equality and non-discrimination in the enjoyment of human rights and fundamental freedoms.

The next 19 articles deal with the civil and political rights to which all human beings are entitled. These include the rights to:

- life, liberty and security of person
- freedom from slavery and servitude
- freedom from torture and cruel, inhuman or degrading treatment or punishment
- recognition as a person before the law
- equal protection of the law
- an effective judicial remedy for violations of human rights
- freedom from arbitrary arrest, detention or exile
- a fair trial and public hearing by an independent and impartial tribunal
- the presumption of innocence until guilt has been proved
- debarment from conviction for an act which was not a penal offence at the time it was committed
- freedom from arbitrary interference with privacy, family, home or correspondence
- freedom of movement and residence, including the right to leave any country and to return to one's country
- asylum

— a nationality
— contract a marriage and found a family
— own property
— freedom of thought, conscience and religion
— freedom of opinion and expression
— freedom of peaceful assembly and association
— participation in the government of one's country
— equal access to public service in one's country.

The next seven articles (22 to 28) deal with economic, social and cultural rights, including the rights to:

— social security
— work and free choice of employment
— equal pay for equal work
— just and favourable remuneration ensuring an existence worthy of human dignity
— form and join trade unions
— rest and leisure
— a standard of living adequate for health and well-being (including food, clothing, housing and medical care)
— right to security in the event of unemployment, sickness, disability, widowhood, old age or other circumstances beyond one's control
— protection of motherhood and childhood
— education, with parents having a prior right to choose their children's type of education
— participation in the cultural life of one's community
— protection of the moral and material interests resulting from one's authorship of scientific, literary or artistic productions.

In accordance with article 28, everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized.

Article 29 says that everyone has duties to the community, in which alone the free and full development of one's personality is possible. It adds that, in the exercise of his or her rights and freedoms, everyone shall be subject only to the limitations that have been established by law to secure due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare. These rights and freedoms may not be exercised contrary to the purposes and principles of the United Nations. The final article states that nothing in the Declaration may be interpreted as implying for any State, group or person a right to do anything aimed at destroying the rights and freedoms set out in the Declaration.

What are the International Covenants on Human Rights?

The International Covenants on Human Rights are treaties whose States parties—i.e. nations which have formally agreed to abide by their provisions—undertake to respect, ensure and take steps for the full achievement of a wide range of rights.

There are two such Covenants: the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Both were adopted by the General Assembly and opened for signature in December 1966 and both entered into force in 1976.

The Covenants recognize and define in more detail most of the rights set out in the Universal Declaration, and deal with some additional rights as well. Each Covenant also sets up a mechanism through which United Nations bodies oversee the implementation by States parties of the rights protected. A Committee on Economic, Social and Cultural Rights has been established by the Economic and Social Council to review States parties' progress in implementing the Covenant on Economic, Social and Cultural Rights. The implementation of the Civil and Political Covenant is in the hands of another body of independent experts, the Human Rights Committee.

What rights are protected by the International Covenant on Economic, Social and Cultural Rights?

First, the Covenant lays down the principle that "all peoples have the right of self-determination". This means, the Covenant explains, that they have the right freely to determine their political status and freely to pursue their economic, social and cultural development. They have the right, for their own ends, freely to dispose of their natural wealth and resources. The Covenant also provides that its States parties shall ensure

to all the individuals within their territories, without discrimination, all the rights listed in the Covenant.

The rights recognized by the Covenant include the right to work, to free choice of jobs, to just and favourable conditions of work, to equal pay for equal work, to safe and healthy working conditions, and to rest and leisure. The right to form and join trade unions, the right to strike, and the right to social security, including social insurance, are also recognized. Protection and assistance are to be provided for the family, and special protection accorded to mothers and children. The Covenant states that an adequate standard of living is also everyone's right, and this includes adequate food, clothing and housing. The fundamental right of everyone to be free from hunger is specifically recognized. Everyone has the right to the highest attainable standard of physical and mental health and to an education.

States parties are to provide free and compulsory primary education; there should be arrangements for secondary education to become available and accessible to all. There should be equal access to higher education. Parents and legal guardians should be free to choose schools for their children and to ensure that their religious and moral education is provided for.

Everyone has the right to take part in cultural life and enjoy the benefits of scientific discoveries. Steps are to be taken to conserve, develop and diffuse science and culture. Freedom of scientific research and creative activity is to be respected and everyone has the right to enjoy the benefits of his own research and creative activity.

What rights does the International Covenant on Civil and Political Rights protect?

Like the Covenant on Economic, Social and Cultural Rights, the Covenant on Civil and Political Rights begins by stating that all peoples have the right of self-determination and may freely dispose of their own natural wealth and resources. Article 2 of the Covenant provides that each State party shall ensure the rights recognized in the Covenant without discrimination to all individuals within its territory.

The Covenant guarantees to everyone the right to life. No one shall be arbitrarily deprived of his or her life. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment; no one shall be held in slavery; no one shall be subjected to arbitrary arrest or detention. Anyone arrested shall be informed, at the time of the arrest, of the reasons for the arrest, and anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other legally authorized person; anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

The Covenant also guarantees that all persons deprived of their liberty should be treated with humanity and that no one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation. The Covenant provides for liberty of movement—including the right to leave a country—and freedom to choose a residence. It places limitations upon the expulsion of aliens lawfully in the territory of a State party. Provisions are made for the equality of all persons before the courts and for guarantees in criminal and civil procedures. Retroactive criminal legislation is prohibited and the right of everyone to recognition as a person before the law is guaranteed. Arbitrary or unlawful interference with an individual's privacy, family, home or correspondence is prohibited.

In addition, the right to freedom of thought, conscience and religion and to freedom of expression—including the right to seek, receive or impart information—are recognised and the Covenant provides for the prohibition by law of any propaganda for war or any advocacy of national, racial or religious hatred that constitutes an incitement to discrimination, hostility or violence. The right of peaceful assembly and the right to freedom of association are recognized.

The right of men and women of marriageable age to marry and to found a family, and the principle of equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution are also recognized.

The right of every child, without discrimination, to necessary measures of protection on the part of his family, society and the State, is recognized, as is the child's right to acquire a nationality.

The right of every citizen to take part in the conduct of public affairs, to vote and to be elected, and to have access, on general terms of

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equality, to public services in his country are recognized. All persons are equal before the law and are entitled to equal protection of the law. Finally, measures for the protection of such ethnic, religious or linguistic minorities as may exist in States parties to the Covenant are called for.

The Covenant obliges each country which is a party to it to ensure that should someone's rights be violated, he or she will be given an effective remedy within that country.

Who are to enjoy the rights guaranteed in the Covenants and when do those rights go into effect?

All persons living in a State which is a party to the Covenants, or who are subject to that State's jurisdiction, are to enjoy the rights guaranteed in the Covenants, without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The principle of equality and non-discrimination is basic not only to the Covenants but to all United Nations efforts to promote human rights.

The obligations a State assumes under the Covenant on Civil and Political Rights are meant to be discharged as soon as that State becomes a party to the Covenant. In cases where rights are not already provided for by law, the State undertakes to enact needed legislation.

The Covenant on Economic, Social and Cultural Rights, however, recognizes that full realization of the rights recognized in that document may have to be achieved over a period of time, to allow for certain structures or environments to be set up to facilitate the promotion of these rights. For example, the civil and political right to recognition as a person before the law is to be put into effect immediately. But there are economic, social and cultural rights, such as the right to education, which must be pursued progressively, while teachers are trained and school buildings erected.

Are the rights recognized in the Universal Declaration and the Covenants subject to any limitations or suspensions?

The Universal Declaration of Human Rights affirms that the exercise of a person's rights and freedoms may be limited—the limitations must be determined by law—but only for the purpose of securing due recognition of the rights of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. Rights may not be exercised contrary to the purposes and principles of the United Nations, or if they are aimed at destroying any of the rights set forth in the Declaration.

The Covenant on Economic, Social and Cultural Rights states that the rights in that document may be limited by law, but only in so far as is compatible with the nature of the rights, and solely to promote the general welfare in a democratic society.

Unlike the Universal Declaration and the Covenant on Economic, Social and Cultural Rights, the Civil and Political Covenant contains no general provision applicable to all the Covenant's rights authorizing restrictions on their exercise. However, several articles in the Covenant provide that the rights being dealt with shall not be subject to any restrictions except those provided by law and those which are necessary to protect national security.

The Covenant on Civil and Political Rights allows a State to limit or suspend the enjoyment of certain rights in cases of officially proclaimed public emergencies which threaten the life of the nation. Such limitations or suspensions are permitted only "to the extent strictly required by the exigencies of the situation" and may never involve discrimination solely on the ground of race, colour, sex, language, religion or social origin. These limitations or suspensions must also be reported to the United Nations.

Certain rights, however, may never be suspended or limited even in emergency situations. These are the rights to life, freedom from torture, freedom from enslavement or servitude, protection from imprisonment for debt, freedom from retroactive penal laws, the right to recognition as a person before the law, and freedom of thought, conscience and religion.

Anne Frank: The Diary of a Young Girl

Suggestions for discussion:

Elicit from the class what they know about Anne Frank. Fill in the details with your knowledge of Anne Frank.

Vocabulary:

Jews
Russians
gypsies
annex
decrees
concentration
surrendered
Christians
distinguished
Gestapo
Westerbork
Drente
impossible
assume
terrible
separated
discovered
reminded
August
concentration
Miep Gies
Bergen-Belsen
published
translated
languages

Read the opening passage to your students. Discuss it. Have them read the diary entry. Discuss the freedoms that were revoked by the Nazis. Were there any laws broken? What happens to civilized people when laws are disregarded?

Ask the students to read the first diary entry silently. Follow this with an oral reading of the entry by one person. Discuss the passage: Anne's feelings, the treatment of the Jews, the loss of freedom, the inhumane treatment.

Repeat the same process with the other three diary entries.

The Universal Declaration of Human Rights may be a little difficult for the students to read. Use it as a listening exercise. Read the articles out loud, one by one, discussing each issue thoroughly.

Ask the students to answer the questions that follow.

It is highly suggested that they read at least some parts of *Anne Frank: The Diary of a Young Girl.* While the reading level may be a little high for your group, some of the chapters can be read with assistance. Suggestions include duet reading, paired reading, and oral reading to the group, with assistance from the group.

Other suggestions:

- Discussion:

What do you think became of the Franks and their friends? How do you think they managed to hide for so long? Do you think anyone helped them? Were those people at risk? Why is the diary so important? Do you know people who either hid from the Nazis or were sent to concentration camps?

- Video:

It is possible to rent the video of the film **The Diary of Anne Frank**. It would be a good idea to show the video before reading the passages.

- Writing :

This would be an excellent opportunity for a book review, or a small critique of what the student has read. Another idea might be to have the student write a story on any one of the following topics:

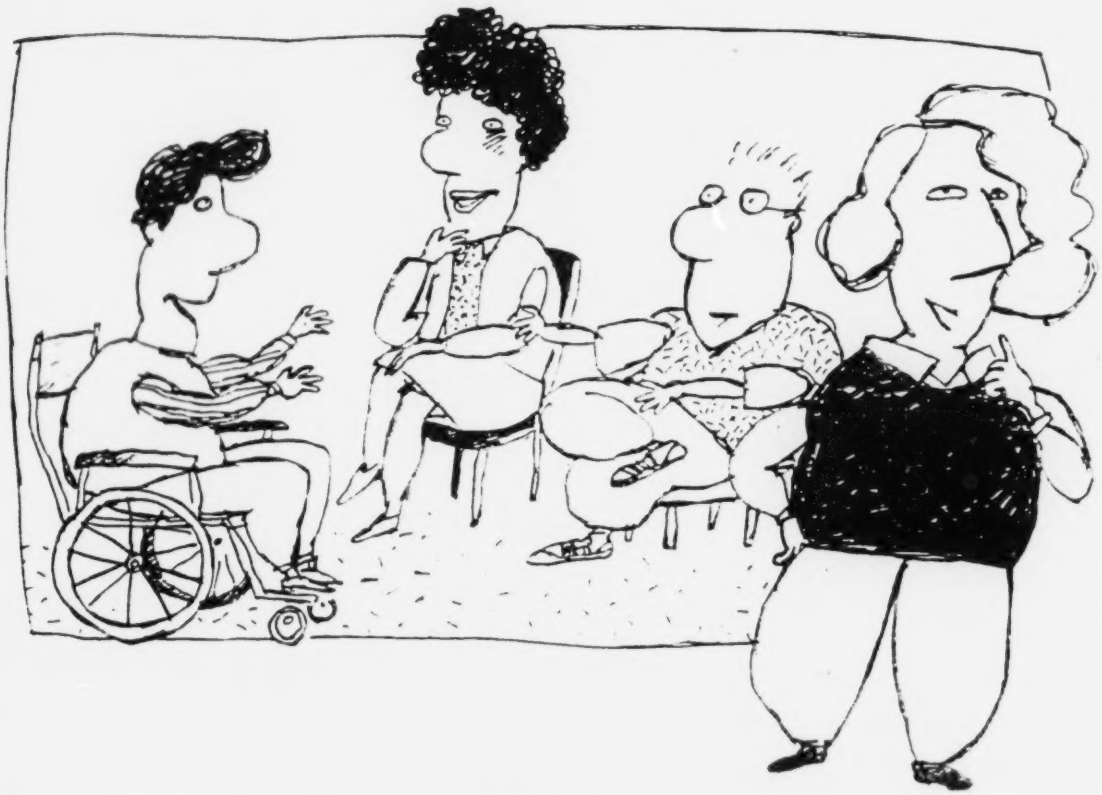
- Do We Value Our Freedom Sufficiently?

- The Atrocities of War

- The Value of the Universal Deciaration of Human Rights.

Ask the group to suggest other topics.

Let's Talk about Human Rights



IS IT FAIR?

STUDENT'S
BOOK 2

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Let's Talk about Human Rights

IS IT FAIR?

STUDENT'S
BOOK 2

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Legal deposit - 1st quarter 1991

ISBN 2-9801784-1-1 (complete)
ISBN 2-9801784-5-4 Student Book 2

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At the Movies ..... II - 9

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Is it Fair? ..... II - 25

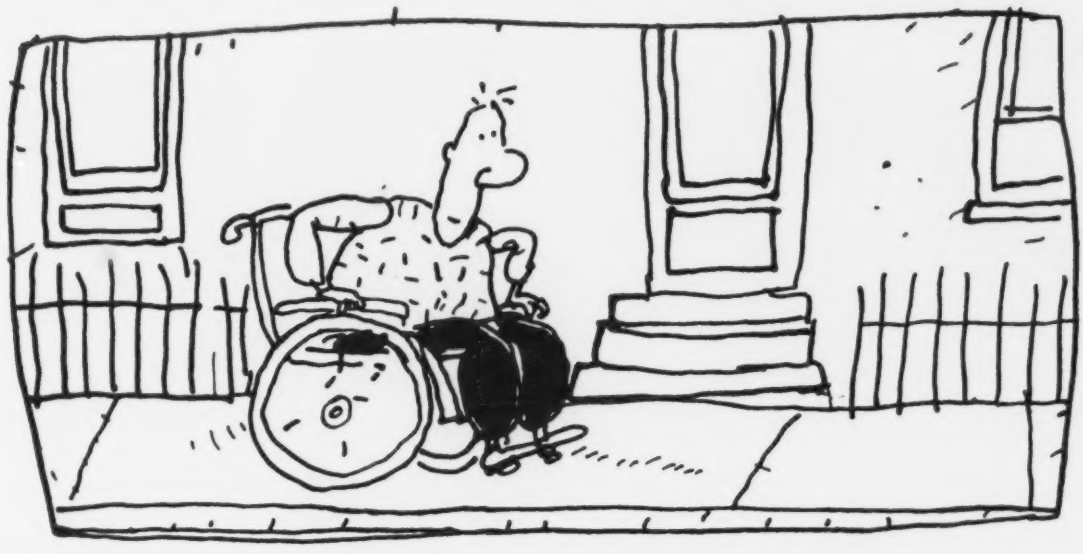
The Official Story ..... II - 29

Case Study # 1:

At the Movies

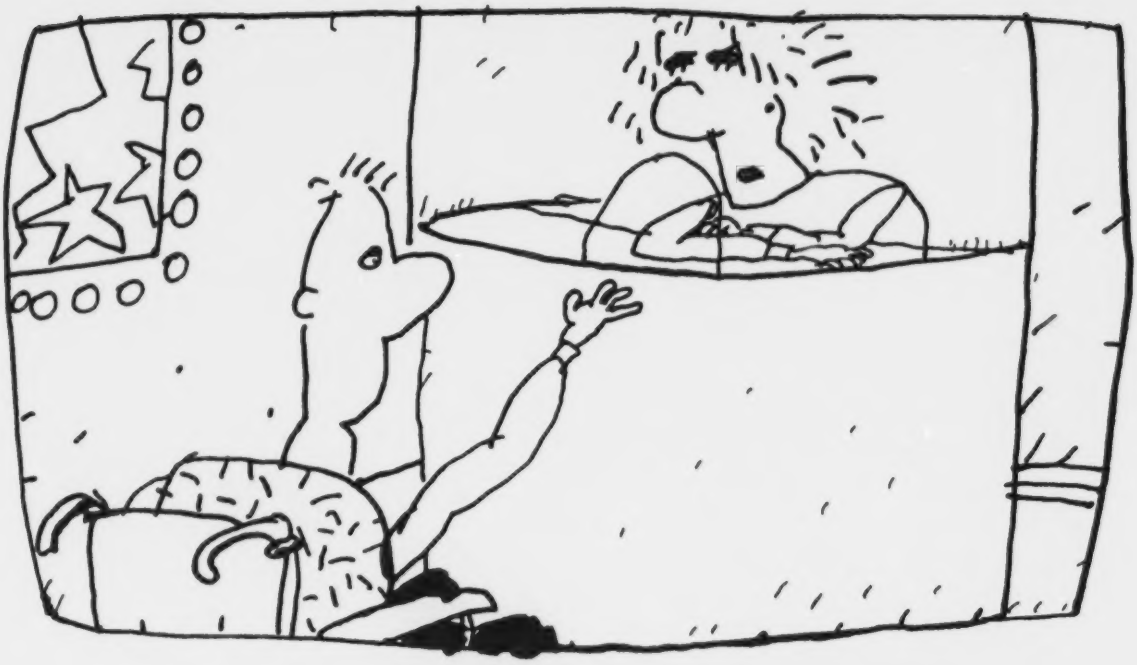
At the Movies

Michael has muscular dystrophy. His disease makes him unable to walk by himself. Michael uses a wheelchair to get around.



One day he went to a movie. He got to the box office and tried to buy a ticket. The ticket seller asked him, " Will you be able to sit in a seat?"

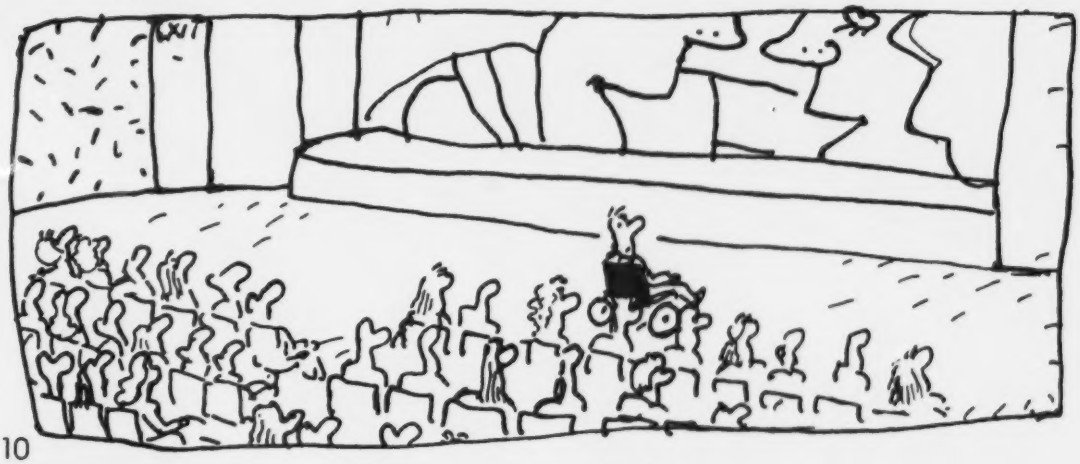
"No" he replied. "Because of my disability I must stay in my wheel-chair."



"Then, " said the ticket seller, "you'll have to sit in front of the first row. Otherwise, I can't sell you a ticket."

Michael agreed. He bought his ticket and entered the theatre. He had no difficulty getting into the theatre. Luckily, there was a ramp. But when he reached the front, he wasn't happy. He asked if he could sit somewhere else. He wanted a better view of the screen. The usher was firm.

"We can't allow you to sit in the aisle. We have to keep them free in case of fire. You'll have to sit in front of the first row."



Michael had no choice. So he watched from the front. This was probably the worst place in the theatre. Michael felt discriminated against.

What do you think?

. . . .

- Do you know anyone who is confined to a wheelchair?
- What are they able to do?
- What are they unable to do?

In your community, is there wheel-chair access in the:

- supermarket ____
- bank ____
- place of work ____
- community centre ____
- school ____
- movie theatre ____
- church or place of worship ____

Place an **x** next to the places that have wheel chair access.

- Should something have been done to allow Michael a better place to watch the movie? If so, what should have been done?

- Do you think that Michael was a victim of discrimination. Why or why not?

- Do you know of similar situations? Did the physically handicapped person suffer discrimination?

- Do you know of situations in which physically handicapped people have shown ability?

Canadiana Encyclopedia

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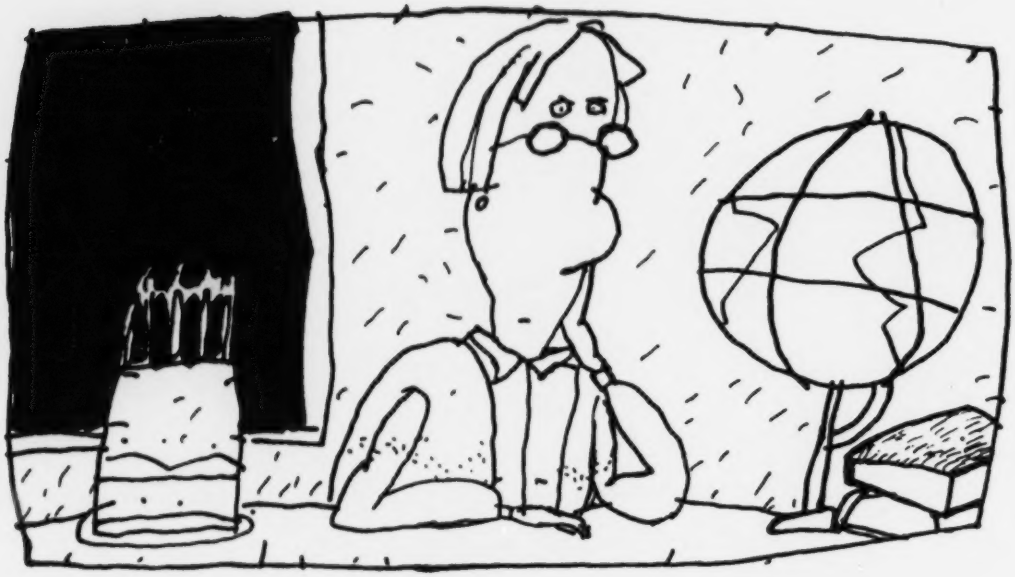
Case Study # 2:

School Days

School Days

Doreen was a teacher. She had taught for many years. When she was 65 years old she was told she would have to retire. Her contract said that all teachers had to retire at 65. They had to retire at the end of the school year.



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Doreen was in good health. She loved working with children. She saw no reason to give up a job just because she had reached a certain age. She felt that this was unfair.

- Do you think that it was unfair? If so, why?

- Do you know anyone who has retired? Why did they retire?

- Do you think Doreen should have been forced to retire at 65? Why or why not?

- Should there be a legal age at which people are considered "too old":

- to work ____
- to vote ____
- to get married ____
- to go to school ____
- to get a driver's licence ____

Write **YES** or **NO** on the blank space.

Why did you choose these answers?

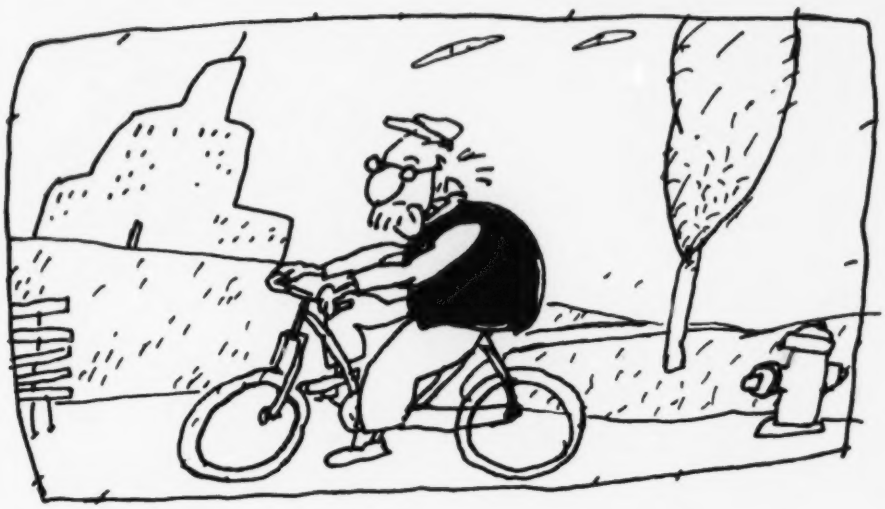
- Should there be a legal age at which people are considered "too young":

- to work ____
- to vote ____
- to get married ____
- to go to school ____
- to get a driver's licence ____

Write **YES** or **NO** on the blank space.

Why did you choose these answers?

Do you know people over the age of sixty-five who have continued to work?



Case Study # 3:

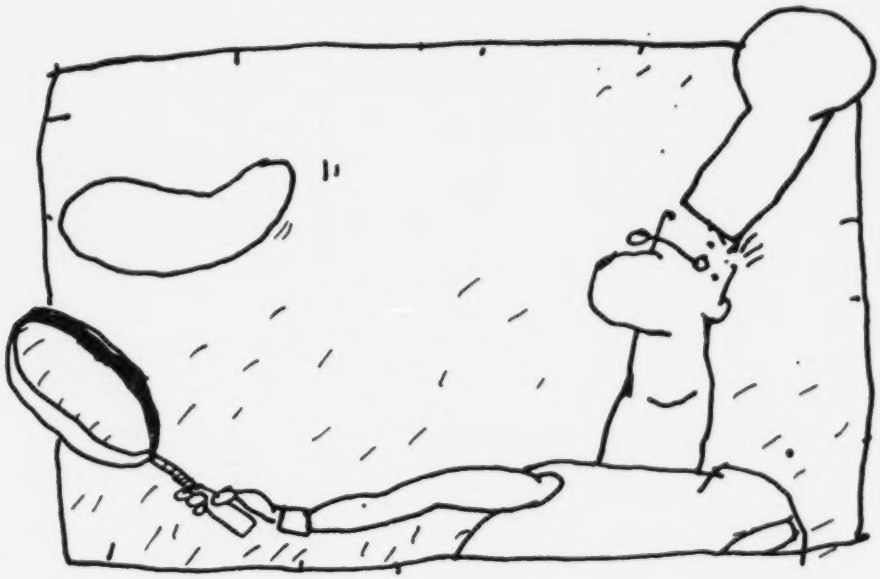
Working on the Railroad

Working on the Railroad

Doug had the "Human Immunodeficiency Virus" ("HIV"). Not enough is known about HIV. But it could lead to "Acquired Immune Deficiency Syndrome" ("AIDS"). Doug did not have any signs of AIDS.

Doug worked as a cook. His doctor told him that there was no reason to stop work. The infection, he said, could not be spread through his work. Doug did not have to tell anyone about his infection.

A year later Doug got a job cooking for a railroad company. He cooked for a crew of 16 men. They were responsible for repairing the tracks. Doug did his job well.



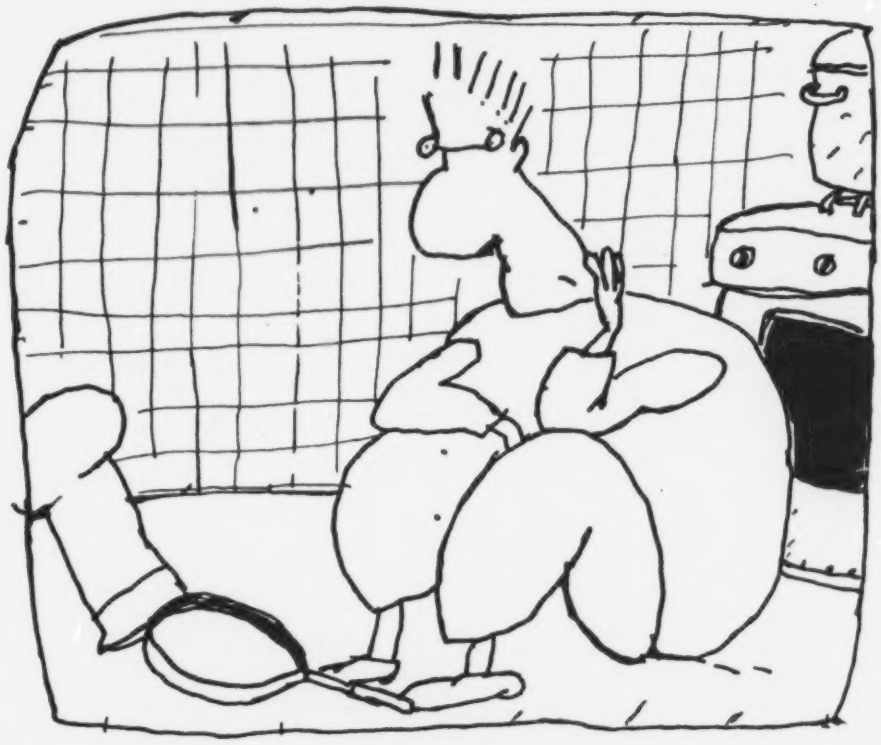
One day Doug was talking with one of the men. Doug confided in him. He told him that he was infected with the HIV.

The news spread like wildfire. The men refused to eat Doug's food.

The head of the crew was nervous. He was not sure he could control his men. What if they decided to attack Doug?

Doug was afraid of the men. So he hid in a laundry room in a hotel until he got the bus home.

The next day he was told there were no jobs in other departments. He was fired for having the AIDS virus.



Doug was upset. Later he got depressed. His doctor sent him to a psychiatrist. Doug tried other jobs as a cook. But he lost his confidence. He was afraid he would spread the virus.

Doug felt he could never work as a cook again. "All those years of hard work down the drain," he said. His worries were not calmed. He did not believe the facts. He did not believe the virus could not be spread this way.

Doug got a few odd jobs. He worked as a painter and housekeeper. But he found it hard to make a living. Then he decided to go back to school. He decided to get his high school leaving certificate.

- What do you know about AIDS?

- What do you know about the HIV?

- Do you think Doug should have told anyone he carried the HIV?

- How did the men react when the news spread? Were they right to react this way?

- How did Doug feel about the way the men reacted?

- What did he do?

- Why was Doug fired?

- What are his rights in this situation?

- What are his responsibilities?

Case Study # 4:

Is it Fair?

Is it Fair?

Claire worked as a sales clerk in a large store. She was cheerful and liked working with people. The store remained open late on Thursday and Friday nights. It was also open on Saturdays. Claire had to work most Saturdays.

After working at the store for many years, Claire changed her life. She converted. Claire became a Seventh Day Adventist. This religion strictly observes its sabbath. Its sabbath is not Sunday. It runs from sundown Friday to sundown Saturday.

She informed her boss that she had converted. She also told her she could no longer work on Saturdays. The boss told her that she would still have to work on Saturdays. All sales clerks had to do so. She said she could not make any exceptions. It would be unfair to the others.

The boss implied that Claire should quit her full-time job. She advised her to work part-time. Claire said she would think about it.

A few days later Claire talked to her boss again. She decided that she could not accept to work part-time. It would mean a large pay cut. She could not afford that.

Soon after, Claire was fired.

"I'm really sorry Claire. You're a good worker, but I'll have to let you go."

. . . .

- Why did Claire lose her job?

- What are Claire's rights in this situation?

- What would you have done?

Case Study # 5:

The "Official" Story

The "Official" Story

Louise worked for the Info-Tech company. She was a sales manager. Before caming to Canada Louise had worked for a large company in France. In fact, she worked there for 10 years. Louise was born in Zaire, in Africa.

Louise had brought many new customers to the company. Her boss said that she was a fine worker. He'd also said that she'd brought many new customers to Info-Tech. Things were going well.

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That's why she was shocked to find a letter firing her one day. She tried to call her boss. But he was away for the week.

That night, a friend of Louise's phoned her. He told her what had taken place behind closed doors.

"At the last meeting the boss said that he'd spoken to Mr. Caldwell. Mr. Caldwell is the president of "XYZ company". As you know they are our biggest client. Mr. Caldwell said that he would cancel his contract if Info-Tech hired blacks. That's why you were fired. I have a copy of the minutes of the meeting. But it says that your job was cancelled because of lack of customers."

A new person was hired 2 weeks later. This person was doing the same work as Louise did. He was not black. When Louise found out she was angry.

- Why was Louise fired?

- What was the "official" reason? Was this true?

- What type of discrimination did Louise suffer?

- What are her rights in this case?

- How would you feel if you were Louise?

- What would you do?

Let's Talk about Human Rights

Teacher's Guide

Book 2

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Let's Talk about Human Rights

Teacher's Guide

Book 2

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Legal deposit - 1st quarter 1991

ISBN 2-9801784-1-1 (complete)
ISBN 2-9801784-3-8 Teacher's Guide 2

Acknowledgements

The authors wish to thank teacher Terry Lohse and the students of the **Protestant School Board of Greater Montreal's Adult Education Literacy Programme** who have collaborated in the pilot-testing of these materials. They also extend thanks to the **Canadian Human Rights Foundation** whose expertise and technical assistance have greatly contributed to the development of this publication.

This project was made possible with a grant from the National Literacy Secretariat, Canada.

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At the Movies

(pages 7-12 in Student's Book 2)

Vocabulary:

Michael
muscular dystrophy
disability
theatre
aisle
community
situation
physically
access

Discussion Topic:

The Rights of the Disabled

Discuss what the major accomplishments were when a year was dedicated to the disabled. (possible answers: special facilities for the disabled, such as sidewalk ramps, washroom facilities etc., as well as a general awareness of the difficulties that the disabled face in their daily lives.)

Have the group read pages 9, 10 and the top of page 11. Follow this with a discussion about how they feel after reading this story.

Continue with the questions on pages 11 and 12. Have the students take turns reading the questions out loud. After each question is read, have the group contribute their answers.

School Days

(pages 13-17 in Student's Book 2)

Vocabulary:

taught
health
licence
choose

Discussion Topic:

Mandatory Retirement Age

Some people are forced to stop working at age 65. Sometimes they wish to continue to work as long as they are healthy, and feel that they want to keep working. How do the students feel about this? Should there be a mandatory retirement age?

Have the group read the story silently. Follow it with further discussion. Work through the question section in the same fashion as the previous story.

Engage the class in a debate. Have each group take opposing position on the debate for/against mandatory retirement at 65.

Working on the Railroad

(pages 19-24 in Student's Book 2)

Vocabulary:

Human Immunodeficiency Virus (HIV)
Acquired Immune Deficiency Syndrome (AIDS)
responsible
responsibilities
certificate
infected
infection
nervous
departments
confided
confidence
laundry
psychiatrist

Discussion Topic:

HIV and AIDS

Discuss the two conditions and their relationship to one another. Discuss the many aspects of the AIDS problem – the severity of the disease, how it is acquired, the stigma, the poor treatment and discrimination of AIDS victims.

Ask the group to read the story silently. Have the class members take turns reading the questions out loud. Discuss the answers.

Follow this with a brainstorming session in order to generate a list of AIDS-related topics to write about. Each person should then choose the topic which interests him or her, and write an essay about it. After each student has completed the assignment (possibly a day or two later), ask each person to edit it alone, first, and then with a partner, before writing a final draft.

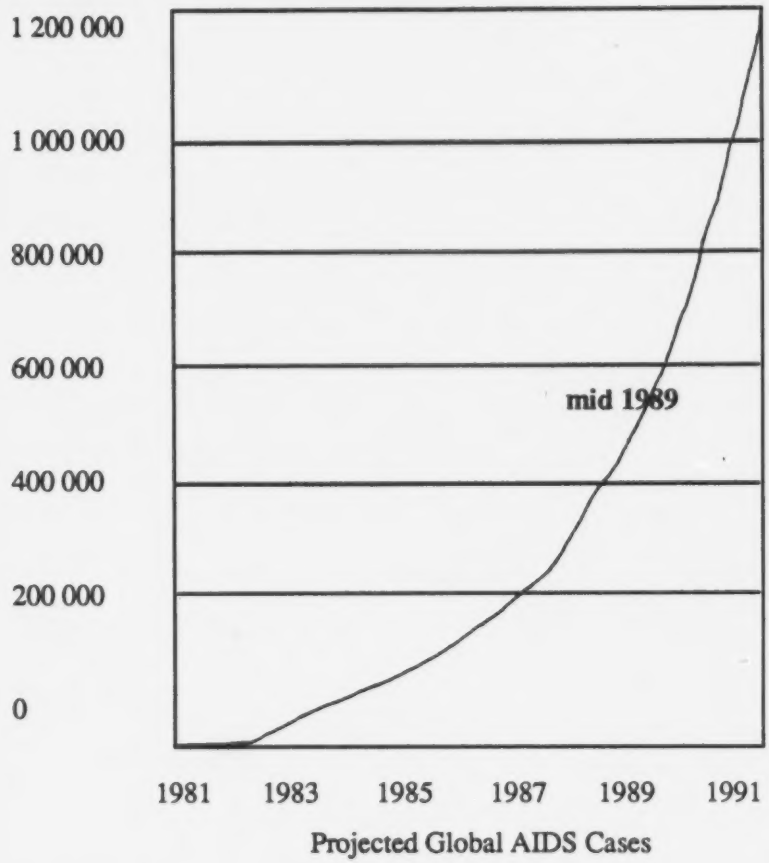
Teacher's documentation:

- AIDS and Human Rights. Human Rights Centre, University of Ottawa.Human Rights Research and Education, Number 17, February 1990.

AIDS AND HUMAN RIGHTS

"At the end of the 1980s - the first decade to know of AIDS, what is the status of the three epidemics - the epidemic of human immunodeficiency virus (HIV)-infection, of HIV-linked disease and of social, cultural and political reaction and response?" asked Jonathan M. Mann, Director of the Global Programme on AIDS of the World Health Organization, speaking at the International Conference on AIDS in Montreal, June 4, 1989.

According to the statistics maintained by the Federal Centre for AIDS, there were 3,040 reported AIDS cases in Canada as of October 1, 1989. But many more people carry the virus. Worldwide the number of people with AIDS is rising sharply: from about 70,000 from 1980-85 to estimated 700,000 in the period 1989-91.



Projected Global AIDS Cases

The epidemic of fear is also persistent, notwithstading efforts to dissipate it by providing scientific information on the spread of AIDS. Many still believe that HIV can spread through a handshake or a sneeze. The AIDS virus is only transmittable under very specific circumstances (sexual intercourse, contact with blood and blood products, mother to child, mostly before or shortly after birth) but is not contagious in ordinary day-to-day situations.

But, says Mann, "assaults on the rights and dignity of HIV-infected people continue to arise, involving work, education, housing and travel, even in countries which have thus far steadfastly resisted such discrimination".

And that is what we are going to cover in this Bulletin.

What is involved?

The following rights and freedoms are most likely to be affected by HIV/AIDS-related measures taken by Governments or by public reaction:

* right to privacy
* right to liberty and security of the person
* right to freedom of movement
* right to marry
* reproductive rights
* right to be free from dicrimination
* right to social security, assistance and social services
* freedom from inhuman or degrading treatment or punishment
* right to equal protection of the law
* right to live and die in dignity

The following are examples of areas in which discrimination may adversely affect people who have AIDS or who test positive:

The workplace (through refusal to hire, dismissal, suspension, isolation); *schools* (by way to isolation, refusal to admit, or expulsion of students); *prisons* (by imposing solitary confinement); *hospitals and dental care services* (by refusing adequate health care and assistance); *immigration* (by denying entry to a country, through deportation or imposition of a quarantine under the sole account of having AIDS or testing positive); *insurance industry* (by denying claims on policies or refusing to insure); *housing* (by denying rental of accommodation to people with AIDS); etc.

All these situations include in addition, the discussion whether or not to require *testing* for HIV virus and, once the test (consentual or mandatory) is done, what are, if any, limits to the *right to confidentiality*.

All these situations may also include an additional aspect of *discrimination based on sexual orientation*, motivated by the understanding that the majority of the early cases, especially in North America, were detected in the gay community.

Access to information and education on HIV-related diseases and how they are transmitted and treated is to be considered a human right, and its promotion most vigorous in the parts of the world where poverty isolates people from the usual circuits of exchange of information.

The advancement of women is affected by the AIDS pandemic, not only through the adverse affect on the health of those women with AIDS or infected with HIV, or because the increasing feminization of poverty causes more and more women to be affected by the economic aspects fo the AIDS epidemic (such as lack of access to adequate information and education on AIDS, lack of access to health service or to family planning services; loss of employment or of a member of the family on whom the family is dependent for bringing up children and providing for food).

At the World Summit held in London 26-28 January 1988, Ministers of Health from around the world stated in their *London Declaration on AIDS Prevention*:

"We emphasize the need in AIDS Prevention programmes to protect human rights and human dignity. Discrimination against, and stigmatization of, HIV-infected people and people with AIDS and population groups undermine public health and must be avoided."

Some Definitions

HIV - Human Immunodeficiency Virus - the virus causing the infection which may develop into AIDS. HIV infected persons may have no symptoms of an illness. If AIDS does develop, it may be many years after a person becomes HIV-positive.

AIDS - Acquired Immune Deficiency Syndrome - the terminal stage of the HIV infection when the body's immune system fails and the person succumbs to other illnesses such as pneumonia, skin cancer or neurological disorders.

ARC - AIDS Related Complex - a form of HIV infection preceeding the AIDS stage.

Seropositive person - a person testing positive, even if manifestly not ill, but capable of transmitting the virus to other people through blood or semen.

Where to Get More Information

There are many organizations in Canada which provide information on AIDS at the community level. The following organizations and services operate at the national level:

Canadian Public Health Association
(AIDS Education and Awareness Program)
1565 Carling Ave., Suite 401, Ottawa, K1Z 8R1, tel (613) 725-3769

Federal Centre for AIDS, 301 Elgin Str., Ottawa, K1A 0L2,
tel (613) 957-1777

Centre d'information sur le SIDA du Québec, 3655, rue St-Urbain, Montréal, Québec, H2X 2P4, tel. (514) 873-9890

Canadian AIDS Society
1101-170 Laurier Ave., W., Ottawa, K1P 5V5, tel. (613) 230-3580

Canadian Policies on AIDS

In Canada, AIDS is legally accepted as a physical disability (see caselaw, below) and therefore considered a prohibited ground of discrimination under human rights legislation. The first case to affirm this was *Biggs v. Hudson* (B.C. Human Rights Council). Human Rights Commissions of Alberta, Quebec, Ontario and the Canadian Human Rights Commission have adopted specific policies on AIDS.

Individual employers such as the Canadian International Development Agency and the federal public service (Treasury Board of Canada) have developed their own policies regarding HIV infection.

UN Activities

The United Nations Centre for Human Rights and WHO jointly organized an *International Consultation on AIDS and Human Rights*, Geneva, 26-28 July 1989. Issues raised: (1) Do existing international human rights standards have specific application to people with HIV or AIDS, as well as to the rights of others to health? The answer was positive and the overall feeling was that there is no need to draft a specific new instrument; (2) Reconciliation of human rights of individuals with the safeguarding of public health: it requires careful balancing to avoid discrimination and loss of human rights by one in the name of protecting the other; (3) Derogation from international standards of human rights protection on public health grounds; (4) Rights to health information and education about HIV and AIDS. (see UN Doc. HR/AIDS/1989/3)

The background paper for this meeting (UN Doc. HR/AIDS/1989/1/Rev.1) was based on a study initially prepared by Paul Sieghart for the British Medical Associa

tion. (For more information: External Relations, Publication and Documentation Section, United Nations Centre for Human Rights, Palais des Nations, 1211 Geneva 10, Switzerland; Centre for Human Rights, United Nations Headquarters, New York, N.Y., 10017, USA)

The United Nations *Sub-Commission on the Prevention of Discrimination and Protection of Minorities* assigned Mr. Luis Varela-Quiros to prepare a study of problems of discrimination against HIV-infected people or people with AIDS. Proposals for a posssible study prepared by Varela-Quiros are listed in the Sub-Commission document E/CN.4/Sub.2/1989/5.

In April 1989, UN Secretary General Submitted to the United Nations *Commission on the Status of Women* a report on *The Effects of Acquired Immuno-Deficiency syndrome (AIDS) on the Advancement of Women* (Doc, No. E/CN.6/1989/Add.1)

UNHCR

The Office of the *United Nations High Commisioner for Refugees* issued on February 15, 1988 its *Policy and Guidelines regarding Refugee Protection and Assistance and Acquired Immune Deficiency Syndrome (AIDS)*
(Doc.UnHCR/IOM/21/88 and UNHCR/FOM/20/88)

AIDS and Development

A National Working Group on AIDS and Development has been established in December 1989 c/o Canadian Council for International Co-operative in Ottawa. Composed of representatives from various Canadian agencies working in the area of development aid and development education, its task is to coordinate the elaboration of guidelines and policies dealing with the effect of AIDS on development assistance services and personnel.
(CCIC, One Nicholas Str., Ottawa, K1N 7B7, te. (613) 236-4547)

Recent Publications

Discrimination and AIDS

Position Paper on AIDS and Common Barriers: AIDS as a Disability, are two papers prepared by the B.C. Coalition of the Disabled which present the views of the disabled community on the disease. (211-456 W. Broadway, Vancouver, B.C. V5Y 1R3, tel. (614) 875-0188)

AIDS in the Workplace: Employment and the Individual's Rights Protection Act, by Susan A. Radke (June, 1989, 69 p.). A discussion of the protection available under s. 7 of the Act and the BFOQ arguments by the employer. (Alberta Civil Liberties - Research Centre , 1220 Kensington Rd., N.W., Calgary, Alta, T2N 3P5. tel. (403) 283-3643; price: $8.00)

AIDS Discrimination in Canada. "A study of the scope and extent of unfair discrimination in Canada against persons with AIDS, and those known or feared to be HIV positive, conducted by the B.C. Civil Liberties Association" (1989).
(518-119 West Pender Str.., Vancouver, B.C., V6B 1S5, tel. (614) 687-2919)

Equality Rights

Human Rights and Social Technology, the New War on Discrimination, by Rainer Knopff with Thomas Flanagan (Carleton University Press, 1989, 233p.). An argument that the recent developments in anti-discrimination policy constitute a form of "social technology" that uses the language of right as a convenient rhetoric and robs the idea of rights of any solid foundation.
(Distributed by: Oxford University Press Canada, 70 Wynford Drive, Don Mills, Ont, M3C 1J9, tel. (416) 441-2941;
isbn 0-88629-088-0(pbk.); 0-88629-097-X (bound); price: $21.95 (pbk.))

Canadian Charter of Equality Rights for Women: One Step Forward or Two Steps Back?, by Gwen Brodsky and Shelagh Day (September, 1989, 322p.). Three years after the entry into force of s. 15, a balance sheet, based on an analysis of 591 cases, on how much, in which context and how effectively women use the Charter in their fight for gender equality. (Canadian Advisory Council on the Status of Women, Box 1541, Sta. "B", Ottawa, K1P 5R5, tel. (613) 992-4975; free)

The Law of the Charter: Equality Rights, by Dale Gibson (1990, 371 p.). Everything you should know about equality rights and s. 15 of the Charter from Drybones to Andrews. (Carswell, 2330 Midland Ave, Agincourt, Ont., M1S 1P7, tel. (416) 291-8421, 1-800-387-5164; isbn 0-459-34001-3; price $68)

This article appeared in:

The Human Rights Research and Education Bulletin, published quarterly by

The Human Rights Centre
University of Ottawa
57 Copernicus
Ottawa, Ontario
K1N 6N5

tel. (613) 564-3492.

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Is it Fair?

(pages 25-28 in Student's Book 2)

Vocabulary:

converted
Saturdays
Seventh Day Adventist
religion
exception,
implied
full-time
part-time
situation

Discussion Topic:

Freedom of Religion:

Ask class members to submit their ideas on the subject. Categorize their thoughts, as they come up, on the blackboard. Have the categories read orally when the lists are completed.

Ask the class members if they remember how religious freedom is guaranteed. Reread these articles from the Universal Declaration of Human Rights:

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in a community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Have the students read the story silently. Follow this with an oral reading of the story, asking class members to read different parts. Ask them how they think this case would fare if it got to court. After some discussion has taken place, take a vote on the question. To confirm the winning group ask the students to reread the O'Malley case in Student's Book 1 on page I-26.

The "Official" Story

(pages 29-33 in Student's Book 2)

Vocabulary:

official
Info-Tech
company
Canada
Louise
customer

Discussion Topic:

Discrimination:

Everyone has suffered discrimination in one way or another. Have the group offer its ideas on the subject. Write a list of the different types of discrimination on the board. Be sure to discuss racial discrimination. Ask students if they are aware of laws or charters which protect us against discrimination.

Have the group read the story silently, but have the questions at the end read and answered orally. As a follow-up ask the students to pretend that they are Louise and write a letter about her situation to the Human Rights Commission.

About the Canadian Human Rights Foundation

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The Foundation has a Board of Directors of 45 members and a National Council of 175 members.

PHILOSOPHY:

1) The Foundation promotes awareness of and respect for human rights and fundamental freedoms through national programmes of research, education, discussion, and publication.

2) The emphasis on teaching and education is deliberate as the Foundation believes that only a concerned and enlightened population can provide a true guarantee of liberty.

3) Non-partisan and non-political, the Foundation does not represent any special interest, and does not take positions in matters of public controversy. Foundation programmes provide an objective platform from which all participants can freely express their points of view.

OBJECTIVES:

1) To educate public opinion on the importance of promoting greater respect for human rights and fundamental freedoms;

2) To sponsor public education programmes that further the appreciation and observance of human rights;

3) To sensitize and equip a new generation of Canadians to recognize and protect human rights in Canada and abroad.

PRINCIPAL ACTIVITIES:

PUBLIC EDUCATON:

-Regular conferences throughout the country.
-Upcoming topics include; human rights and the media, compensation to victims of human rights violations.
-Elementary and secondary school education programmes.

HUMAN RIGHTS TRAINING:

-Training session in human rights and multicultural education.
-Summer course on human rights.
-Training goverment officials.

CONSULTATION:

-Various government departments and non-governmental agencies, media and educational insititutions.

RESEARCH & PUBLICATON:

-Various publications including "Human Rights and the Peace of Nations", "Multiculturalism and the Charter", "Human Rights, Development and Foreign Policy" and "Human Rights and the International Protection of Refugees".
-The Foundation has published a human rights education programme for Grades 4-6 entitled "What are Human Rights? Let's Talk..."

For more information throughout the year on the work of the Canadian Human Rights Foundation, please do not hesitate to call or to write to:
3465 Côte des Neiges Road, Suite 301, Montreal, Quebec, H3H 1T7
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Let's Talk about Human Rights

I Know my Rights

STUDENT'S
BOOK 3

Canadian Human Rights Foundation

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Legal deposit - 1st quarter 1991
ISBN 2-9801784-1-1 (complete)
ISBN 2-9801784-6-2 Student Book 3

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Do you have a story to tell?

Write some of your thoughts and ideas on the next pages.

We need to know what our rights are because...

The Universal Declaration of Human Rights says that...

The Canadian Charter of Rights and Freedoms says that...

Here is a story about discrimination...

It is your right to...

I have stood up for the rights of others when I...

I have stood up for my rights when I...

Since I've been in Canada, I have suffered from discrimination...

Recently, I was discriminated against because of my...

Ever since I was a child, I have felt discrimated against...